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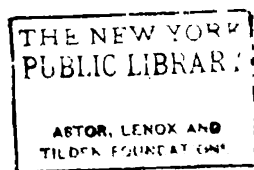
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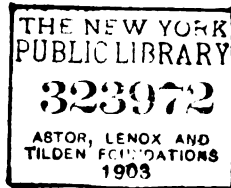
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PROCEEDINGS
OF THE
ANNUAL CONGRESS
OF THE
NATIONAL PRISON
ASSOCIATION
OF THE
UNITED STATES
HELD AT
PHILADELPHIA, PENNSYLVANIA
SEPTEMBER 13-17, 1902

PITTSBURGH
SHAW BROTHERS, 120 SIXTH STREET
- 1903 -



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PROCEEDINGS.

OPENING SESSION—SATURDAY EVENING.

THE Annual Meeting of the National Prison Association of the United States was called to order in the Musical Fund Hall, in Philadelphia, Pennsylvania, on Saturday evening, September 13, 1902, by JUDGE G. HENRY DAVIS, Chairman of the Local Committee. Prayer was offered by REV. JOSEPH WELCH, Chaplain of the Eastern Penitentiary.

MR. DAVIS then welcomed the Association in a short address of which the following is the substance:

Ladies and Gentlemen:—It is to me a matter of great pleasure that I have been selected as Honorary President of the Local Committee, and therefore to preside at this meeting. As you can readily understand some of the greatest responsibilities and the most difficult problems that confront the judiciary are connected with crime and the criminal, so it is not only a matter of interest, but of education, to be here; and I repeat that it is a great honor and privilege as well. My first duty is to introduce as the first gentleman to address you the Governor of the Commonwealth, HON. WILLIAM A. STONE.

ADDRESS BY HON. WM. A. STONE, GOVERNOR OF PENNSYLVANIA.

Mr. Chairman, Ladies and Gentlemen:—It is said that the social status of any country is gauged by the status of the women of the country. I believe a better index of the social condition of any country is indicated by the condition of the prisons of that country. All great prison reforms have come about from the zealous, earnest efforts of some individual. Tidal waves never carry prison reform. Communities and public sentiment must be educated to it by individual effort. It is a good thing that there should be individuals who are interested in the welfare of prisons

and prisoners. I know very little about the history of prison reform. I know very little about the different theories and arguments about the proper way to treat prisoners, but I recognize that the treatment of prisoners grows more humane each year, and I suppose that the tendency is to further ameliorate their condition. A man to whom imprisonment is no disgrace is not punished by imprisonment. If this uplifting and benefiting of the prisoner is to continue for some years the time will soon come, if it is not now here, when the physical comfort and the treatment of the prisoner will make his condition superior to the majority of the great public. That ought to have a tendency to bring out any good in the human heart, and the question then to be considered is whether this improvement of the physical condition of the prisoner carries with it a proper lesson and example to the public. That can only be done upon the theory that imprisonment is a disgrace and that in that disgrace is the chief punishment. Unless that theory is correct if you get imprisonment up to the point where the man is paid a premium for serving time in the penitentiary we lose sight of the deterring effect of confinement. If the true theory is not that the more humane is the treatment that you give to the prisoner the greater do you stamp upon his mind and his soul the infamy of his disgrace, then you ought to return to the whipping post, the branding iron and the stocks. The natural tendency of the human heart is to condone its own offenses and justify its own conduct. The old system of punishment not only made a man worse when he came out than when he went in, but justified in his mind the crime he had committed and turned him loose upon society with a greater disposition to commit crime than he had before.

I do not believe that any man has a right to come in here and pass judgment upon the system that has grown up. I believe, for instance, that Warden Wright, who has given the best years and the best work of his life to this question, is a better judge of prison work than I am or could be. It is a great question, this question of prisons and the treatment of prisoners. I believe that so far as numbers go there are more people in Pennsylvania striving to prevent cruelty to animals than cruelty to children. I believe cruelty to animals should be prevented, but cruelty to people ought to be prevented and I do not believe that any course of treatment ought to be followed with a man, woman or child that

will harden his heart and make him feel that there is an inseparable gulf, an impassable chasm between him and society. I believe the treatment should be such as to show him that there is a short, reliable bridge over that chasm and that all he has to do is to walk over it. I believe in reaching after the good that is in the man's heart, for every man has some good in his heart where he holds some regret for the crime committed and some hope for the future. I know that men repeat their crimes, that there are in the penitentiary men who have been sentenced thirteen times, yet I believe there is some hidden path in the forest of the man's heart, overgrown it may be with weeds and vines, until it is almost impenetrable, but if the path can be found, the man himself may be reached and the sweetest moment of the prisoner's life is when he has yielded to better influences and can feel the approving smile of Almighty God.

JUDGE DAVIS, the Chairman of the Local Committee, said: To my mind criminals ought to be sentenced not for punishment only but for reformation. We owe a duty to society, hence the punishment; we owe a duty to humanity, hence the reformation and I believe with the governor that the man or the woman is rare in whose heart there is not at least the end of a thread which leads back to better motives, higher principles and truer life.

I have now the honor to introduce the mayor of Philadelphia, Hon. Samuel H. Ashbridge.

ADDRESS OF HON. S. H. ASHBRIDGE, MAYOR OF PHILADELPHIA.

Mr. Chairman, Ladies and Gentlemen:—I but express the thoughts of the whole community in welcoming this Association to Philadelphia. Noble are the men and women who dedicate their lives to the amelioration of the condition of their fellow men. We are glad to meet you and greet you most cordially. The people of Philadelphia, you will find, are liberal in all respects. There are no appeals made in vain to the people of this city and you will find hearty co-operation here in your work. The best welcome that a patriotic and loyal American people can give is extended you. May your deliberations be fraught with the best thoughts of human minds and human hearts that you may bring about still better ideas for the reformation of human kind and on returning to your homes may you have pleasant recollections of our good city. I thank you for coming and I feel sure that you will materially benefit us by your deliberations here. Again I bid you welcome.

RESPONSE BY FREDERICK HOWARD WINES, LL. D.

Mr. Chairman of the Local Committee, Your Excellency, the Governor, Your Honor, the Mayor, Ladies and Gentlemen:— These welcomes are precious to our hearts. It is a great thing to have the governor of a state and the mayor of a city honor us with such words as have been spoken, but in one respect I think I have the advantage of many of the members of the Association and that the welcome appeals to me more closely than to you because it is a welcome to my own native state and city. My Tory grandfather landed in this city from England before the revolution and he was cast out of the city on account of his disloyalty to the insurgent governor. He was arrested, with some other prominent citizens for having sung "God save the king", and was expelled. I feel as if reparation had been made to his memory in these welcomes and to me his unworthy great grandson.

The governor says that he does not know much about the prison question. If that were true he would be in the condition of a great many other men, but it is a question that forces itself upon the mind of a governor after he takes his seat in a way which it never did before, on account of the necessity imposed on him of exercising the prerogative of pardon. I remember that Governor Foster, of Ohio, once said that as a negro did not know whether he were free from slavery or not until he had made a journey, so he did not know whether he was governor or not until he had pardoned a prisoner. He wanted to do that so as to know that he was really there. So he went to the penitentiary and asked if there were any one there whom he could safely pardon. "Oh, yes," said the warden, "you could pardon nearly half of them safely." So he told him to pick out a man who had been a good prisoner and he would send over a pardon. The warden gave him the prisoner's name and the pardon was sent to the prison. The governor expected a note of thanks from the man, but when it came it said that the writer, the prisoner, had always

been a good prisoner and he did not know what he had done that he should be pardoned out at the beginning of winter. Governor Foster said that when he read that a great light broke into his mind.

Governor Stone showed that he understands the question better than he pretended when he spoke of the difference between the old methods and the new. There he struck the heart of the subject. A great gulf separates the past and the future in that regard. In the early history of mankind the only thing which society knew how to do and what to do with this unworthy and recalcitrant member of the community was to destroy him. The new thought is that instead of destroying the unworthy member of the community we are bound, if we can, to secure his salvation. It is the transition from one of these states of feeling to the other which marks the difference between the civilized and the uncivilized man. A nation which believes in repression, which believes in retribution, which believes in violence, which advocates hanging and electrocution, is not so far advanced in the paths of civilization as the nation which is permeated with the sentiment of brotherhood, the democratic principle of equality and obligation to every member and a desire to save if possible every member, no matter what offense he may have committed against it.

The state of Pennsylvania occupies a most honorable position in the history of civilization, especially in the matter of prison reform. I suppose that the transition point from the old prison system to the dawn of the new prison system may be placed about the beginning of the eighteenth century, two hundred years ago, when Clement IV established the hospital Saint Michel for abandoned children, and which included a department for the reformation of criminal boys. That hospital was the first building erected in which separate cells were provided for prisoners. Before that prisons were not for punishment nor for reformation. They were like coops in which we keep chickens until we wring their necks. They were places where we held people until we were ready to cut their heads off. No attention was paid in them to the amenities or decencies of life, and the first impulse towards the reformation of our methods of dealing with criminals was given by that enlightened and humane pope. The first prison which was built on anything like modern prisons, architecturally, was at Ghent, erected somewhere about 1770, a little before the

American revolution, by one of the deputy governors under Maria Theresa, and that was built with separate cells for prisoners. They were built not like the penitentiary at Cherry Hill, but with radiating wings joined at the ends. But I suppose it was from this prison at Ghent that the inspiration came to build the prison at Cherry Hill.

William Penn had been a prisoner himself on account of his religious opinions. He had been a Quaker preacher and missionary. He had travelled in Holland and had seen the workhouses where it was usual to give each man a separate room. To the people of Pennsylvania and of Philadelphia and to the society of Friends in particular, is due the great impulse which was given to the cause of prison reform by the establishment of the model penitentiary, as it was, of the whole world on Cherry Hill, and this Congress will visit it with interest and appreciation.

In 1790 the Walnut street prison was in such a condition that when it was proposed to hold religious exercises there it was thought necessary to put a loaded cannon in the yard and have a man stand by with light ready to send the men into eternity in case they made a disturbance. That led to the erection of one of the first prisons in the world for a strictly cellular system of confinement, and the prison then erected was such a model that it was imitated in the erection of the Eastern Penitentiary. Great credit is due to the architect for having given an impulse to the cause of prison reform which has extended to all the nations of civilization and abides to this day. The idea in the mind of those who originated it was that as evil communications corrupt good manners and evil men do evil by association, that if these men could be isolated from each other, so that they could hold no communication with each other and never come into contact with any but good men, and if they could be given time for reflection, and repentance, that men would be redeemed instead of destroyed. This prison excited such admiration on the part of Europe that commission after commission visited it from abroad. First came Beaumont and DeTocqueville, Crofton and others to study the Pennsylvania system, a name by which it is known all over the world to this day, a name honorable to this state and city alike. I have in my library a book containing a series of architectural plans of all the prisons of Germany and it will interest the people of Philadelphia to know that, so far as I remember, every one of

them is built on the Pennsylvania plan, the plan of the Eastern Penitentiary. The system went into France, Germany, Belgium.

The state of Pennsylvania has another distinction. It was the first community in the world to organize an outside voluntary association for the suppression of the miseries of public prisons. The Pennsylvania Prison Society is the oldest Association of the kind in the history of the civilized world. These things we remember and for these reasons among others, we are glad to be here and glad to have an opportunity to see with our own eyes what you have accomplished.

At the same time it seems only fair and right to say that while Europe, to a large extent, has adopted the method of individual treatment in single cells, with separation by day and by night, the American people have rejected this system. It was introduced into three or four states. It was tried in New Jersey and in Rhode Island and in one or two other states and then abandoned. It was tried in the Western Penitentiary of this state and abandoned. A wing was even built in the Auburn prison and then given up and the only place where the system has survived in anything like its original purity is here in the Eastern Penitentiary and even here the legislature has not made appropriations necessary for the purpose of properly caring for prisoners on the original plan. The number of prisoners in comparison with the number of cells that you will find a considerable number of doubling up of prisoners in one cell, which is the worst arrangement possible. There is a maxim in the Roman Catholic church which it would be well to remember here: Put one man or three in a cell; never two.

Why has this change taken place? It might seem ungracious to go into details and present an argument against the system. It has great merits. We all admire it in its proper place. We would very nearly unanimously say that it was the proper system for short term prisoners, especially those awaiting trial in county jails and district prisons. I have repeatedly recommended, when asked my opinion, that there should be a department upon the Pennsylvania plan in reformatory prisons, and there is such a department in the prison at Charlestown, Massachusetts, and it has been found a great relief to take the refractory men, who make so much trouble in a prison, and isolate them. The removal of half a dozen from any communication with the others changes

the whole atmosphere of the place. The system of solitary confinement has accomplished some of the good results it was created to accomplish but I can not say that I think on the whole it has been a success. The legislature will not make the necessary appropriations to establish and maintain it; it is very expensive. It is felt to be inhumane to keep men in isolation for a long time. They are liable to become insane and the worst company often that a man can have is his own company, the company of his own thoughts and vicious practices.

Reformation is not accomplished by any particular system. It is accomplished by the individual influence of the persons in charge of the prison. The right man under any system will reform a certain per cent. The wrong man under any system will make a failure. We make too much of the system and too little of the man, in our consideration of the prison question.

Another reason that the separate system has not met with general approval is that it is not adapted to the industrial habits of thought of our people. It is impossible to make a prison conducted on that method self-supporting or anything like it, as it can be made, in many cases, by the introduction of machinery and the employment of men in the more profitable trades. But my father used to say that the great objection to it was that you can not prepare men in isolation for association. Men can only be trained for association in association, and while he may be protected in prison, yet when he goes out of the prison instead of being strengthened for conflict in the outer world he has been enfeebled by such a system. You have no method of testing his powers of self-control where he has no opportunity to break a rule. What is the object of a prison? To restore self-control when men have lost it, but no man can know whether it has been restored or not so long as he is shut up in a cell by himself. Take him out of that and put him in association with other men, subject to the same temptations and if he behaves himself you feel that he has got that power and you have some assurance that if you discharge him he will not be the enemy of society. Under the separate system you can not find that out. You will never find that the advocates of the separate system favor the indeterminate sentence, in which this Association so strongly believes. But the system is well worthy your study and I commend it to the careful consideration, observation and study of every member of this

Association. I trust that no prepossession will prevent them from listening with patience to the arguments of the advocates of the system on the ground in which that system was first established and where it has been so long nourished. Mr. Vaux made heroic efforts to carry this Association with him along that line of thought, but he failed. I wish to speak a word in memory of Richard Vaux and of my friend, Mr. Cassidy, two men for whom we had the highest regard and respect, and Philadelphia has never seemed the same place since those two men died. Mr. Vaux was a man of brilliant capacity, large information, honesty of mind and purpose, courage, and, my father said, the most learned man on the prison question of any man in the United States when he was living. Peace to his ashes! We revere his memory. Mr. Cassidy we loved for the qualities which endeared him to us more than the ordinary man. He was a man of large heart and the greatest power of will and the most earnest desire for the reformation of his prisoners, and whose influence was always for good over them. He was their friend in the prison and after they left it.

We are glad to be here and we thank you very much for the welcome we have received and we hope to show our appreciation of your kindness during our sojourn here.

THE SOCIAL POSITION OF THE PRISON WARDEN.

BY CHARLES RICHMOND HENDERSON, PRESIDENT OF THE NATIONAL
PRISON ASSOCIATION.

We are grateful to the representatives of this "City of Brotherly Love" for their cordial welcome. Truly representative are they of this community whose historic and contemporary philanthropy is so great a part of the inspiration of American progress.

Already a response has been made by one whose own name, as well as that of his revered father, is associated with the world wide movement for prison amelioration, who has served my own state for a quarter of a century with conspicuous ability, and whose national services in connection with the census deserve recognition among all those who cultivate social science in the service of humanity.

The character and aims of this National Prison Association are broad enough to include both scientific and direct practical discussions. The Congress does not seek to control any one or even to bring pressure to bear on persons or communities. It formulates no conclusions, and therefore its members are not tempted to debate simply to gain personal victories by wit, eloquence or persuasion. Each man presents his facts, his opinions and his recommendations with his reasons and then submits them for criticism and sober reflection to a candid public.

Its members are drawn from all who have a deep interest in the protection of society, and in the advancement of truth and wisdom. We believe that knowledge of truth is the "daughter of time and of discussion", and it cannot be forced or hurried. Social science, philanthropy, voluntary associations, churches, and administrative offices of government, are all here represented.

Naturally in such an Association there is respect for experts in various departments of science and experience. Hence we invite judges to open discussion on points of penal law and procedure of courts. We invite commissioners and wardens to bring in reports from institutional experience. Chaplains and teachers lead in the discussion of the reformatory and educational forces of school and religious instruction.

Then there is the field of historical and theoretical study with the modest contributions of students of social science who see the prison as a member of the entire system of social agencies for the furtherance of human life, and who bring together for review the documents of the world's experience.

It is from this last standpoint that the present address is offered.

THE PRISON IS ITSELF A COMMUNITY.

It is somewhat unlike any ordinary industrial association. The mine, the factory and the mill organize laborers on the basis of free contract for stipulated wages and hours. The laborers in a prison are organized under the principle of compulsion, without rights to wages, and are held in absolute control all hours and all days.

The prison is unlike ordinary communities in this important particular, that its inmates are isolated from the normal relations of domestic and neighbor life. The prisoners are cut off from

schools, clubs, societies, churches, lodges and all other civic agencies of culture. The prison as a community of persons must be, in a high degree, self-sufficing. In the nature of the case the inmates are isolated from the usual and customary sources of supply of wants. Yet all the normal needs of human beings exist and are felt as wants, as desires.

Their bodily health must be cared for; they must produce for consumption or for purchase by exchange of products; they need, as much as others, satisfaction of their intellectual, aesthetic, moral and spiritual wants. Their industry, their culture, their worship must be organized.

The state, in the act of committing men to prison, cuts them off from the ordinary means of living; makes itself responsible for their existence and their welfare. As the institution of justice, the government cannot be so unjust as to deprive them of the elementary rights of our common humanity, further than is necessary to social protection. Hence the state must organize the prison itself as a complete community, with all the essential means of ministering to the various needs of human beings.

THE FUNCTION OF THE WARDEN.

We here make an appeal to certain facts, familiar to all, whose significance is dimly realized by the great public. The director of a prison or reformatory makes the institution what it is; if it has any character, it is one which is stamped upon it by the personal qualities of the responsible head. Some institutions have no marked qualities; they have walls, cells, machinery, prisoners, punishments, but no distinct, consistent and rational policy.

The penal laws and executive officials of a government determine the outlines of the conduct of a prison and its general policy. The legislature defines offenses and fixes the maximum and minimum penalties, creates the institutions, and provides for officers. The courts interpret the law and apply it to individual cases. A board of commissioners or control may still more exactly define the administration policy; and restrict the powers of the superintendent.

But with all these limitations the warden remains the one person whose character in the last analysis decides success or

failure. By considering the tasks which inevitably fall to his lot we shall be able better to realize the significance of his office.

First of all he must have the military qualities of a colonel. He must keep under his own responsible control a regiment of officers and men. In so large a company, many of them lawless by habit and disposition, any lapse of soldierly discipline is fatal. Prisoners are eager to regain their liberty and they chafe under the restraints of confinement. They are not voluntary laborers under a free contract but bondmen of the state, held in penal servitude. Their habits of life tend to make them rebellious against authority; openly or secretly they are constantly planning schemes of escape. The discipline of a family, a school, a shop or a railroad is here out of the question. The regulation of authorities must be prompt, steady and firm. The population of a prison is not a Sunday school picnic; it is not a debating society, nor a deliberative assembly empowered to vote adjournment and dispersal; but a regiment, and he who rules it must be a soldier, every inch of him. By this we do not mean a blusterer, but a thoroughbred, quiet master of himself and of those over whom he presides.

The warden is responsible for the physical health of the people in his charge. It would be natural to think he should be a physician, but this is not necessary. Medical learning and training are valuable, but alone will not make a good warden. In any case the director of a correctional establishment must learn enough of hygiene and sanitation to judge of the results of medical science. He must be competent to form a fair and intelligent opinion of the success or defects of the medical officer, and to afford prompt and wise assistance to that officer. Such matters as the chemistry of foods, the reasons for cleanliness, lighting and ventilation must be familiar to him.

The warden is usually required to manage an extensive industry, on its various sides, to plan the organization of shops, to buy new materials, to select machinery and tools, to find a market for the product.

These duties may be divided and competent assistants may take much of the work; but after all the warden is actually and ordinarily responsible. He must be a business manager, with an eye quick to discern defects in process, little economies, large opportunities. He must understand accounts, and be able instantly to inspect figures and trial balances and inventories.

And since the industrial process and products of the prison affect the economic condition of free labor and general business, he must be competent to form a judgment on all these intricate and vital concerns.

The warden must be something of a lawyer and judge. He must know the principles of the penal law and its procedure in the courts. He has less contact with the civil law, but even here many of his personal and business relations demand some acquaintance with other branches of jurisprudence.

It is in his hands that the execution of the law is finally placed. The legislators scatter to their homes or personal affairs; the judge and jury pass on a verdict and turn over the convict to the penitentiary; and then for long years must the director of a penal institution toil, think, scheme, strive to make that law mean something of wisdom and humanity to the prisoner and to society.

And when the law works evil, as all, even the best human institutions do, the warden should be able to point out wise and conservative measures of betterment.

The warden is at the head of an educational establishment. The one final test of the real success of a prison is its educational result. Military control is a mere means to aid governmental machinery. Industrial and commercial output is not the object of a prison; although a prison must be economically administered. The mere execution of the legal penalty is not the end of the prison as a social institution. With our modern conceptions of the supreme object of the penal law the making over of the character of the convicts is the measure of success, as it is also the final purpose of the penal establishment. Long ago a pope had inscribed on the entrance to the St. Michel reformatory at Rome the suggestive words: "It is a small thing to coerce the bad with punishment unless you make them good with teaching and training."

THE PRISON SCHOOL. *

The warden will not and can not be directly the teacher of convicts. Teaching is itself a distinct profession and calls for special training. But it is both possible and necessary that wardens should gain somehow enough knowledge of the science and art of teaching that they may be real directors of the educational

*Refer to G. Behringer, *Die Gefaengniss Schule*. Reports of Elmira Normal Classes.

work of the prison school. It is possible for one who is capable of being a real warden or superintendent to understand the function of school work of various kinds; to know how to select teachers for positions; to judge of the policy and results of the teaching.

What is the function of a prison school? It is two-fold: To give elementary instruction to illiterates, especially to those who had not early advantages of public school instruction; and to train the moral judgment of all.

On what principle should teachers be selected? Since the chief function of the prison school is quickening, refining and purifying the moral judgment, convicts should not be employed, but only teachers of highest character.

Since this work is different from the spiritual and inspirational work of the preacher, and calls for a different method, it should not be the chaplain. He has enough to do in his own proper field.

For teaching let us select men of the teaching profession, trained in the best methods, with considerable knowledge of human life, and with great sympathy and tact.

By what signs can a warden judge of results of such teaching? Not by examinations; not by statistics of attendance. But by the manifested attention to the ideas which are presented to them and which in themselves have a tendency to divert from crime and vice to industry, honesty and piety.

No community is complete without a church. Our government in depriving a man of liberty does not rob him of his right of access to religious helps. The warden is called upon to understand, appreciate and, as head of the community, to govern a church, at least the agencies of the church within his territory. His attitude to the chaplain and his services is often the determining factor in success or failure of that officer.

G. Behringer, the warden of one of the most important prisons of Germany, in describing the qualities of a model prison teacher, at the same time reveals qualities which the warden himself must have if he appreciates them in his assistants. Behringer is not a sentimentalist, but a virile, strict and strong prison officer.

"His first duty of all is to win the confidence of the pupils. To that end there is only one way, which only love can show that seeks and saves, genuine Christian neighbor-love. The prisoner

must feel that the teacher really intends his welfare and is filled with the truth which he teaches.

"A teacher who thinks as a materialist, who sees in his position nothing but a place to get a salary, whose heart does not glow with enthusiasm for ideals, who has no faith that even in the breast of a fellow brother some spark of the divine flame still burns, is not suited to the position of a prison teacher.

"Love and enthusiasm are not enough; there must also be experience of life, knowledge of human nature, an earnest Christian view of life and especially a great natural tact for dealing with people",*

With the benevolence of a true gentleman a warden must combine the shrewdness of insight which outwits the sly scheming of the criminal and at the same time discovers the capacity for improvement, the deeper and dormant interest of the higher life. Tricky villains must not be able to deceive him, yet hardened men will reveal to him those diviner qualities which they themselves have never discerned in their own souls.

This analysis of the social function of a prison warden leads us naturally to consider the kind of preparation required for the office.

Perhaps men have already asked themselves: Where can such wardens be found? The answer is: They cannot be found; they must be taught and trained.

They must begin with sufficient education to give them the key to further knowledge and a thinking habit and power. It is impossible in this country to fix any academic standard. But those of you who know most of the difficulties of this exacting and honorable office will say that a college education is none too much for a beginning and that a high school education must be the minimum of the first steps.

Training for such an office must be life in the prison itself, in subordinate positions. No one knows how to command who has not first learned how to obey.

What social means are necessary to secure such heads of prisons? The public must be educated to respect the office. The prison warden performs a necessary and difficult work for society; he directs an agency which protects the lives, the bodies, the reputation, the property and the order of all men from the enemies of order. He represents the retributive justice of society in its

*Die Gefaengniss Schule, p. 124.

immediate contact with the offender. He represents the educational forces of society, the humane, the ethical and the religious institutions of civilization in the rational effort to civilize and redeem the law-breaker.

The general public must be taught, by all the vehicles of utterance, that this office is sound, worthy, and dignified; that it calls for a high order of intellect and character and for rare and distinguished qualities and combination of talents. They must be convinced that such an office should not be entrusted to the ignorant, the uncivilized, the coarse, the incompetent and the partisan schemer.

This enlightened and elevated conception of the office must be organized into the merit system of appointment, tenure of office and promotion. There must be a patient, courageous and persistent struggle to beat back the "spoils system", which to-day is the enemy and obstacle in the way of progress in the prison art.

The director of a great penal institution of the state, who must combine in his own person the qualities of colonel, business manager, teacher, inspirer, judge and legislator, will not have any time or strength for outside affairs. No officer can be spared to help roll logs and pull wires for a party machine. If a warden properly looks after the vast interest of a multitude of convicts some one else must keep up the political "fences". Activity in ward caucuses and county conventions is *prima facie* evidence that discipline is relaxed and the supreme and absorbing business of the warden neglected. The logic of the social position of warden demands legal prohibition of partisan service. The officer of the state should give all his energies and talents to his duties, and, in return, the legislature should make him secure in his office, so long as he is efficient.

There must be a more uniform and effective state organization of the administrative branch of government. The history of the reform and improvement of the English prisons and jails is richly instructive on this point. If at each state capital there were established an administrative commission or bureau of ministry charged with supervision and control of all penal institutions, penitentiaries, reformatories, workhouses and jails there would accrue several advantages.

There would be a central office where all the data for a wise policy could be gathered, available for legislation and executive

action; there would be a continuous body of experts acquainted with the facts, the needs and the laws of the penal administration; there would be a consistent and efficient policy; there would be a unified and harmonious co-operation of all penal institutions to a common end; there would be a system of transfers of inmates from one institution to another as the needs of the persons demanded; there would be a competent body of legal and administrative experts to give judicial quality to the treatment of paroled and pardoned convicts; there would be a lofty lighthouse of information as to the best methods of discipline and management which would illumine the most distant and hidden institutions of correction; the highest standards would be applied to all officers, including wardens, sheriffs and jailers. This is not an impracticable dream of a theorist, it is in general the British, German and French system, and beginnings have been made in our own country.

There must be, in each state, a more thorough organization of voluntary philanthropy to mediate between the prison, the public, and the convicts. Prison aid societies, state conferences, societies for aiding discharged prisoners may be made useful. The visitation of prisons must be lifted out of the present low level of idle and morbid curiosity which prompts thousands of sightseers to throng open-mouthed through our institutions of correction on Sundays and holidays, as if they were peering into the cages of strange beasts in a menagerie. Wardens need the support of a state law or of a central administrative rule which will define the conditions on which outsiders may interrupt the regular industry and life of the penal and reformatory establishments. Only authorized visitors should be admitted, and the conditions of securing permission should guarantee the order of the prison and good influences upon the inmates.

In these and in other ways the social position of the prison warden or superintendent will be made more and more desirable, intrinsically and in reputation, one of the most honorable in the gift of a progressive people.

Penal legislation marks the moral advance of a nation,* reveals the higher and more exacting requirements of society, manifests and cultivates a refined social conscience, makes more effective the control of the laggards of civilization, and both spurs and persuades the stragglers and sulkers to keep step with the advancing people.

*See Hall, *Crime and Social Progress*.

In this strenuous and glorious effort of a nation to realize ever nobler ideals of personality the prison warden occupies a difficult and responsible position.

It should be the ambition of every thoughtful citizen and patriot to manifest appreciation and sympathy with all those officers of justice and reformation who act as the direct and personal agents of the penal law as conceived by a humane and enlightened people, a people determined to hold every member of society severally to the task which the highest set for themselves.

SUNDAY—MORNING SESSION.

The Congress went in a body to the Protestant Episcopal Church of the Holy Trinity, where the annual sermon was preached by the Rev. Floyd W. Tomkins, D.D., pastor of the church.

PRISONERS OF HOPE. ZECH. 9-12.

BY REV. FLOYD W. TOMKINS, D. D.

It is most fitting that those interested in the welfare of prisoners should assemble in God's house to worship the Father of wisdom and to learn from Him how to do their work wisely and well. And it seems especially fitting when we remember that Christianity has inspired all the noble efforts for which to-day we thank God, and that a responsibility rests upon the Christian church—a responsibility from which she can in no way escape—to save those in bondage. We have the skeleton of humane thought and interested service clearly identified in the Old Testament. We have the full-fleshed strength of humanity pictured in the New Testament. And we know well that since Christ died and rose again the thrill has gone through men's nature, slowly but surely forcing them to noble and Christlike dealing with all their fellows regardless of desert or character. Men may question—as they have questioned—the meaning of our Lord's words in His immortal message: "I was in prison and ye came unto Me"; saying that He referred to those taken captive in war or by conquerors, not to criminals or those on the path to criminality; but we can brush aside such questions, interesting enough in exegetical study; for the whole nature of the Master throbs with the spirit He would have us possess, and he who has that spirit needs no proof texts nor exact commandment to speed him to his work. The spirit of Christianity is the spirit of mercy; the very Gospel means the visitation and deliverance of souls unwilling to be redeemed yet plead with and sought 'till they yield in spite of themselves. And while mercy without justice can hardly be commended, yet there is a part which Divinity itself has played and is always playing with a gloriously comforting

result, both in nature and humanity, in which mercy has the upper hand and holds justice in restraint. The angel of pity is no poor sentimental creature devoid of judgment, and yet she is an angelic visitant about whom plays the light of a love so blinding that stern justice is forced to relax her bonds and lower her sword when mercy comes. Religion—the Christian religion—is the power to do all the work of redemption in the world. No matter what name the workers may bear, no matter whence they come; whether it be a saintly Elizabeth Fry praying each morning “Lord, what wouldst Thou have me to do for Thee to-day?” and then going forth to bring a new joy of hope to the prisoner; or a noble John Howard, with eloquence and power convincing men and governments of their responsibility, and effecting such reformatations as have not ceased to grow; the one spirit has ruled and demanded the task under whose burden you, my friends, have assembled to-day. The Christian church has a responsibility—too little exerted, alas too often slighted officially, yet never adequately denied—to the prisoner which the very teachings of the Master gave her.

What that responsibility is in its detailed working is the problem confronting us. How we can best do this constant, hard, exacting, often disappointing prison work is a question not readily answered with a satisfactory completeness. Yet I venture to-day to state a few principles which may help us all to feel that our labor is not in vain, and that the church is alive in a growing degree to this part of her regenerating work.

I. Let me state, first, that we need to learn that true mercy is so broad that it takes into consideration the welfare of the many and therefore places necessary pain upon the few. As you and I, with our dearly bought experience, frown upon any weak coddling of men and women who are receiving that which if rightly taken will, under God save them, and blame with necessary severity the tearful sending of flowers to condemned criminals as well as the maudlin talk which makes them think themselves abused and wronged of men, so we must declare against those wild methods of living which fill our prisons directly or indirectly. We have a work of prevention which it is ours to perform. When the common idea of liberty is license, so that not only a car driver cries “I have the right of way”, and then crashes into the President of the United States, but multitudes of men in the same spirit of

ignorant wilfulness set about deliberately to crush all who oppose them or get in their way, until the struggle for life seems to mean death to the men who at the moment are defenseless ; when capital and labor are equally defiant of the larger good, and stand in array with a refusal to listen to the world whose servants they both are ; when lavish living with wild waste on the part of people vulgar alike in taste and habit, tends to arouse bitterness leading to the breaking of law ; when wealth defies arrest for a sin for the commission of which poverty inevitably suffers ; when the marriage tie is laughed at ; when the sanctities of life are met with the daring of ruthless invaders ; when the drink problem becomes an anti-christ, and dishonesty justifies the gaming table—then surely we must know that our standing fearlessly for righteousness of living is a just associate with our generous-hearted ministration to the fallen. And I speak of this positive work because it seems to me so much of it is neglected by good workers and by the church of God. Blessed is he who helps the man behind the bars, but blessed also is he who helps rescue the child that he may never know the horrors of imprisonment. Blessed is he who renews the hope of the penitent prisoner, but blessed also is he who demands that youthful offenders, little children born into the toils of vice or led into them by brutish elders, shall have a private trial under a wise judge, and know neither the publicity which shall scatter their names and perhaps their pictures through the press, nor the poisonous association with those long steeped in crime. Our work is not only that of supervising prisons but of purifying as well as we can the atmosphere which breeds criminals. A philanthropy which confines itself to rescue and yet regards not the demands for reformation outside as well as inside the prison walls is lacking in virility. And while it is easy to claim that our work is with the individual, a larger and truer view makes evident a larger and truer responsibility.

II. Christianity demands that we hold up the purpose, the enlightened purpose, of punishment. Vengeance, or a "*quid pro quo*" theory, was the old theory, and it is not dead. It is only during the past week that we have read in our papers of a woman in the South whose father had been murdered, and who requested to preside herself at the hanging of the murderer ; and the sheriff permitted her to cut the rope !

The state largely holds the vengeance theory yet, and to some it seems the only rule to which the government can rightly hold. But it is the business of a healthy religion to lead secular authority to a higher conception of humanity's needs. If we are all sinners, if the oft-quoted maxim be true, that there are more who are out of prison and ought to be in prison, than there are in prison already, and if we believe in the power which works for righteousness amongst men, then we have the right to claim that those whose sin reaches the stage of criminality must while restrained be brought under reform influences. We recognize what a tremendous problem it is to accomplish this task. We know that there are many parts and many ways in true prison discipline and reformation. But the acknowledgment of the principle is the first and most necessary thing. Can we save the man behind the bars, save him not for eternity only but for time, save him from himself, establish his character, build him into manhood? It is not merely a question of giving him a new chance in life; it is not merely leading him to confess his guilt; but it is a kindling in his heart of that desire for pure living which shall hold, whether he have another chance or not, whether he comes out of prison in five or ten years or never comes out at all. If we can think of punishment as affording to the one who has fallen a school for strong character-building as well as affording to a community relief from depredations; if the sigh of satisfaction which goes up when a desperado is convicted is not only for the safety of the city or state, but for the enforced submission of the criminal to good influences, then surely our optimism is of the first and of the divine order. But can it be done? the doubter asks. And the right answer is not a show of figures, nor a citation of cases, but a declaration that, like a good many other tasks, it must be attempted because it is the divine method. The divine method! Ah, how we grasp the larger view with a sigh of relief! The view that life itself is both probation and education! That we are all here on earth in a kind of prison, with limitations and laws holding us, in order that our characters, our beings, may be fitted for some new sphere, some higher kingdom. It is only going into the detailed part of the great problem of existence, it is only a working of the great golden rule when you go to the prisoner and try to excite in him an ambition based upon his being a man with an eternal destiny and an eternal opportunity! It is the same law

that works in prison and in the civilization of the human race, and there are no more disappointments in the one than in the other. We need to look at it, brethren, in a big way. To save men, to make them stand on their feet, to open to them the doors of inspiration and hope, to create aspiration, not to shame into contrition—that is the task the noblest prison workers have set before them and at which they are nobly toiling. There is hope for men, there is hope for each man!

I believe this work is no more discouraging than any other kind of work; no more than the work in our churches and congregations; no more than the work that thousands of ministers have to do in various parts of the world. It is the same great task and carries the same great hope; for there is hope for men! That cry lifts up down-hanging hands and strengthens feeble knees. And the failures or seeming failures can make no headway in discouraging the men and women who thus look up. The obstacles may be many. Doubters may scoff. Critics may cry of pearls cast before swine. Poor law-makers, having a narrow conception of the scope and purpose of law, may make the task exceedingly difficult. But the brave toiler has his banner, and under its glorious blue of loyalty, under its gleaming stars of hope, under its blood-red bands of sacrifice, he leaps to the conflict to make the white folds at once the symbol and the realization of human character.

I heard not long ago of two noble young women-artists, who were preparing for a prison, to be placed where every prisoner might often see it, a great painting. The face of the Master Christ, with its pure love and power, stood out in glorious relief, and before Him, with his back to the looker-on, knelt a poor man whom each would readily take as a type of himself, and to him the Lord stretched forth a hand, not of rebuke nor yet of mere pity, but of hope, as if He spoke again: "I condemn thee not. Go, and sin no more"! It seemed to me an omen of new and better prison decoration. For why should not the brightness and the beauty of life, inspiring cheer and courage, be permitted to enter into the prison? We decorate our libraries and public buildings with all suggestions of thought and history that may inculcate love of knowledge and a thirst for the refreshing waters of truth. Why should we hold to a barren bare-walled place as more conducive to reformation, even as our fore-fathers deemed a cold

and unadorned church more conducive to piety? We all agree that there should be no social distinctions allowed; that because an offender is or has been wealthy is no reason why he should fare better than his fellow prisoners. We all believe that the prison has this advantage over the ordinary life at any rate, that there all men are equal even if not free. But that does not militate against teaching those lessons of hope which art has always been used to teach; and surely every reasonable means should be well tried to give birth to and to advance a love of purity and honor and self-respect.

In this regard, also, we may acknowledge that Christianity is bound to urge occupation, regular and fitting, for our prisoners. The working man is a power and a noble power in this land; but never did laboring men plan or carry out a more cruel and uncivilized rule than that which forbade useful labor to those whom the state is seeking to save. Idleness is the source of much mischief amongst rich and poor alike, in prison and out of prison. There is no economic problem on earth which is vitally touched by prison work. The old contract system may have been at fault, for it was a kind of sweat-shop trade which is abhorrent alike behind and outside of bars. But an intelligent judgment can readily devise ways in which the prisoner can be made self-supporting at least, thus relieving the tax-payer, if we wish to balance accounts, but still more, making his reform and his education in the ways of honest manhood more easy. I beg you, my friends, to press upon the church, as the church would press upon you, action leading to this end, that by mutual effort this desirable result may be attained.

I would like also to claim, as the church's duty to the prisoner, that we ought to have better and more attractive places for prison worship. In some of our prisons there is no chapel provided. In some it is a wretched barn-like place suggestive of anything rather than God's love and strength. Have we not the right to ask that since Christianity has been the power to lift up the whole system of criminal treatment, that since reform and the hope leading to reform are born of religion, there should be a cheerier and richer place given to hearty worship? You will see this afternoon at the place which some of us, with Quaker conceit, deem the model reformatory of the United States, (Glen Mills) how natural and grand the worship in such a place can be made and how a fitting

chapel seems to be the key-note for natural and blessed expression to the King of Kings. An organization outside of state or municipal control can well set an example worthy of being followed. I look forward, with daring optimism, to the day when every jail and every penitentiary shall have as a necessary part of its equipment a church, leading the soul to God and better hopes and plans by its very existence as well as by its rich and hearty services. A church into which the men and women shall go, properly separated, not with the lockstep, for the lockstep is an anachronism, nor with shaven heads, for the shaven head is an anachronism, but as men and women who are to be taught self-respect.

III. I am anxious, in my limited time, to speak of two more duties which the church owes to prison reform. One is the visiting of those in prison. We have in this dear city, the oldest, I think, prison society in America, and its plan of visiting is theoretically good; but we all realize when we confer together how difficult a problem we have to meet. Some people are wholly unfit to visit. They are too emotional or too tactless or too hard. Others are busy folk with their hands already so full that even half a day a week is hard to secure. And yet this coming of the free brother or sister to the bound brother or sister is, as our Lord teaches, of the very essence of civilization, that is, of Christianity. A grasp of the hand, a "God bless you", a promise to write to some friend, at times a reading from the Bible and a word of prayer—these are priceless in leading to a new life even long before the prison doors are open to the discharged prisoner. It simply must be done. In jails and town prisons and work-houses much can be accomplished by the young men and women of the churches going regularly at suitable hours for this purpose. It is far more difficult in connection with the state institutions. But it must somehow be done under wise and experienced leadership. Where there is a probation law following an indeterminate sentence, much can be done and better done outside of the prisons by visiting in friendly fashion those who are bravely making the struggle for a new life. Why could we not have classes for instruction in this difficult and yet noble line of work? Why could not the church count it as part of her legitimate function to teach men and women who can and will volunteer, how to talk to their unfortunate brothers and sisters? If we

teach them how to cook, how to use implements of carpentry; if we count it a part of our work to have gymnasiums in the parish houses, to educate men and women so that they may be better and stronger, why may it not be a part of our work, the work of legitimate education in Christianity, to teach men how to talk to their brothers in such a way as to help them? We have, it is sad to say, an idea that prisoners are a people quite distinct, and to be looked upon as a curious species of animal. We are afraid of them as if they meditated an attack upon us. We are hopeless of their reformation—God forgive us! And so our visiting is unnatural, unhuman, forced. Ah, when shall we learn that in prison or out, sinners detected or unknown, we are brothers, and the weak need the bearing of their infirmities by the strong!

IV. And then I would say a word of the duty to the discharged prisoner—the man or woman who comes out marked for life, too often, through the brutality of the world. I believe in homes for discharged prisoners, and I believe in them as Christian institutions. It is the church's duty to care for the weak until they can stand alone. She must do it intelligently, carefully, in accord with the best methods of sensible charity, but without seeking to bring hope to those who have a terribly hard and up-hill road to climb. I am well aware that many oppose these homes. Some wise men and women whom we can not but respect, and whose judgment we are bound to weigh carefully, have plainly spoken against such refuges as open to grave dangers. But without attempting any argument of the question here, I plead in the name of Christ for those who can not plead for themselves, who are thrown out upon the world generally friendless and alone, marked by their pallor of face and their tremor of heart. If we are to inspire them with hope, if we are to keep living the hope with which we have sought to inspire them while they were in durance, how can we stand aside and cry "Now, fight the battle as best you can?" We know that no man, or at best but one in a hundred, will give them work if it is known that they are from prison. We know how the old passion, the old habit, comes beating and raging. We know how despair soon tells them that the only way to get a living is to trample right and honor under foot. We know how the old enemies are waiting to use them, and how ready they are to provide for temporary needs to secure their services. And knowing these things, which are not theories,

but facts, as any one can tell who has been even a tyro in prison work, dare we stand aside and bring no brightness or help, open no door to these discharged men and women? Multiply the dangers of such homes by ten and again by ten, yet you can find no excuse for not having them. They are simply necessary. Oh, for a big-hearted, big-brained love which shall make hope sing its welcome as the prison doors swing back and the bewildered soul who has forgotten how to live—or perchance has never known—faces the great world! Oh, for a Christian refuge so real, so honest, as the expression of confidence and sympathy, that the frightened soul shall fly to it and find it just the halting place needed to keep it from slipping!

Ah, brothers, we are dealing with a great problem. There have as yet been found no economic laws to apply absolutely to its solution. Theory reads well, but it doesn't work. We are feeling our way. But there is one great truth—not a theory but a divine inspiration—which never fails. There is one principle upon which we can always rely, and no mistakes or failures can frighten us. The religion of Jesus which is the religion of mercy and hope has never failed. It is the one great power to tell us what to do and to tell the prisoner what to be. Before us all it establishes a great hope, a great possibility, a great certainty. We are to bring hope to the prisoner. And we are to find hope for ourselves in bringing hope to him. I place before you and myself this morning this hope. Problems or no problems, we have to deal with human souls, and in the name of Him whose servants we are we cannot go astray when we honestly act in His love and for His sake. We are *sure* that we are doing good no matter how many reverses, how many seeming failures we recount. And this hope is ours because we are ourselves carrying hope and courage and the God of hope and courage to the most needy souls in the world.

May I add a word more? This is a memorial day. We remember our late president who died a year ago. He was great and good. But his greatness and his goodness were marked by his care for others. It is related that at the battle of Antietam, Mr. McKinley, then commissary sergeant of the 23rd regiment of Ohio, and only twenty years of age, gathered all the stragglers he could find, set them to work making coffee, and himself drove two miles into the very midst of the bloody battle to cheer the men of his regiment with the hot drink they needed. No wonder they

cheered him! And the incident brings the man, the hero, the martyr, the president, fitly to the side of our subject to-day. To inspire the grandest, the best work we can do. Those were great words with which Matthew Arnold sang the praises of his father, the Rugby master. They apply to him whom we remember to-day. And they apply too, to every man or woman here who bravely, heroically, seeks to help the weak and the sad and the imprisoned.

“ —Through thee I believe
In the noble and great who are gone;
Pure souls honored and blest
By former ages, who else—
Such, so soulless, so poor,
Is the race of men whom I see—
Seem'd but a dream of the heart,
Seem'd but a cry of desire.
Yes! I believe that there lived
Others like thee in the past,
Not like the men of the crowd
Who all around me to-day
Bluster or cringe, and make life
Hideous, and arid, and vile;
But souls temper'd with fire,
Fervent, heroic, and good,
Helpers and friends of mankind.”

SUNDAY—AFTERNOON SESSION.

The Association went in a body on invitation of the Board of Managers to visit the house of refuge at Glen Mills, Pennsylvania, a large reformatory for juveniles, with 800 inmates, under the management of Mr. E. H. Nebeker. Luncheon was served in the gymnasium after which services were held in the chapel with much singing by the school and addresses by REV. HERMAN DUHRING, D.D., and PROF. C. R. HENDERSON. The school regiment was inspected after the chapel exercises. The entire board of managers were present to take charge of the delegates of the Congress and show them all possible courtesy and impart full information as to the working of the institution. The visit was instructive and much enjoyed by all.

SUNDAY—EVENING SESSION.

Various services were held throughout the city on Sunday night where the subject of prison reform was discussed by members of the Association. One of these only was announced on the official program. That was held in the Grace Baptist church. Addresses were made by the pastor of the church, REV. RUSSELL H. CONWELL, D.D., PROF. C. R. HENDERSON, REV. HERMAN L. DUHRING, D.D., Superintendent of the P. E. City Mission and REV. W. C. SToudenMIRE, general agent of the Maryland Prisoners' Aid Association, Baltimore. This large Temple Church was crowded to its utmost capacity, and an overflow meeting held in the chapel at the same hour. Abstracts of these addresses follow.

ABSTRACT OF ADDRESS BY PRESIDENT HENDERSON.

We are grateful for the welcome to this great assembly which is accustomed to worship here, because we are engaged, as members of the National Prison Association, in one branch of the great work of the church, in the broadest meaning of the word church.

Last year when traveling in Germany I came in contact again, as I had in years past, when studying some social movements, with certain socialists, and they said to me "It is a great misfortune that the old laws persecuting us have been abolished, because when they persecuted and imprisoned us for our opinions we had a more rapid growth." That reminded me that the heroic period of the church was the period of persecution, beginning with the crucifixion of the Master, the founder of Christianity, who was regarded as a common criminal. How seldom we remember in these placid and pleasant currents of our Christian life, when we own these great temples, when it is popular to be a Christian, when it is fairly not respectable not to belong to some church, or to at least pretend to be a Christian, how seldom we remember that the Founder of our faith was put to death under the law, unjustly to be sure, as a common criminal. He was regarded by people of the highest respectability as a criminal. We forget that in the period of nearly three hundred years that every man who ventured into the waters of baptism and named himself as a follower of Jesus Christ, was liable to punishment, often severe punishment. You who have been at Rome and looked into the Mamertine prison opposite the Forum have seen what Roman civilization produced. You remember the solid rock cut into cells, damp, dank, destructive of human life, where Paul, the greatest of the early followers of Jesus Christ, the apostle who spread the knowledge of Christ from continent to continent, was immured. Wherever the early Christian went or spoke he was in peril. Sometimes he was thrown to the lions; sometimes he was punished in other ways for his faith in Jesus Christ. And in those same times the deepest, most damning crimes were committed in the name of the law, with no hand of any officer of justice or law raised against it. The spirit of humanity, the spirit

of the universal Father, of the Eternal Goodness, preached by the missionaries transformed blackness into whiteness, changed the face of the world. Such is the history of Christianity. It is not strange that when the Christian church ascended the throne of the Cæsars and became possessed of that power which had been oppressing the church for centuries, one of the first acts of the emperors was to command that bishops should do what they had learned in an age of persecution and darkness and oppression; he commanded them to visit the prisoner. He reminded them that Jesus had told them that it was a mark of his followers to visit the prisoner in his dark cell.

And now we are assembled in the name of the Master in behalf of those on whom we have learned to have compassion. Only a few years ago the only use society had for a criminal was to put him to death, and the prison was but a place of waiting for a direr fate. Now wherever we go as an Association we are met by those who have sympathy with our work, because we are working in the spirit of Him who told the parable of the lost coin, of the lost sheep, and of the lost son. Since we, with you, are searching patiently for the lost until they are found, in the name of our common Master, we thank you for greeting us so cordially.

THE WHIPPING POST.

BY THE REV. RUSSEL H. CONWELL, D. D.

All imprisonment should be for the reformation of the criminal first and the protection of society next, but that is not the general order. It is usually said that the first duty is to protect society and then to reform the criminal. But put the other way you can not do one without doing the other.

The whipping post! That form of punishment seems to be a remnant of the barbarous disposition to be cruel to those we should try to reform. Cruelty never accomplished reform. The whipping post is advocated by those who favor it on the ground that it saves public expense. No injustice, no cruelty ever saves expense. The political economist has made a great mistake who supposes a state can save expense in that way, asserting that to whip a man at the whipping post saves money. It does not. It requires but little insight to see that if the man is made worse by the whipping, if he is not saved to himself, if his character is not

made better, then the future expense to society will be greater than if the man had been kept in prison all his life.

We are so apt to be guided by prejudice, by spite, by feeling. We hear that a man has whipped his wife and in a tide of indignation men lose their sense of justice and claim that that man ought to be tied to the public stake and whipped. That is vengeance. Justice requires that he shall be so punished that others may be deterred from doing the same act and that he himself shall realize that the punishment is administered in Christian love and for his own good. That may reform him. But a whipping at a public whipping post, which brings such a sense of disgrace that it only confirms in him everything evil, is more likely to make the man the murderer of his wife rather than to reform him. It is impossible to administer whipping at the public post in the spirit of Christian kindness.

In these days we have no need of the whipping post; because it has for many years been demonstrated, at Elmira and elsewhere, that criminals can be reformed. And it is such associations as this which have brought about great reforms in this matter, the entering wedge of which was made at the Elmira Reformatory. Men are now in many places given the "indeterminate sentence", that is, the length of the time they shall stay in prison is not decided until after the men are in prison. They are not released till they show by their character, as evidenced by their good behavior, their industry, their study, their devotion to Christian principle, that they are safe to be trusted in society. Then only should they be released from prison. A man should be kept in durance only so long as he is unsafe to society. Every state in the Union should pass laws making it impossible for judges to sentence a man for a definite length of time. The judge should send the man to jail or to prison simply and his term of service in prison shall be decided by his own behavior as an exponent of his character. Then a man does not feel that he is sent for spite or injustice, but because it is believed that his character is bad and he has but to prove by his own conduct that his character is good. Every criminal thinks he has an excuse for his crime and he says "I am as good as the members of the church who aren't in prison who ought to be". If he goes in on the indeterminate sentence he will feel that he can prove that he is a good man.

The effect of this system has been wonderful. Where before only five per cent. were pretty sure never to return to a criminal life, now about sixty per cent. become honest members of society.

Every man and woman entering a prison should be taught a trade and as soon as he learns it he should have a share in the wages to send to his family or to use on leaving prison. This will be a great help on coming out of prison, for the great difficulty with men in leaving is that they can find no occupation. They wander in the streets and are driven to commit crime from want. They should know how to work and work should be found for them before they leave the prison gate.

Now the whipping post does none of these things. I can think of nothing that would make me so bitter, nothing that would so destroy my sense of honor, and so raise a spirit of vengeance as to be condemned to be whipped on the public square. Let the strong, stern hand of justice be recognized by all the people, but when a man is arrested let him be regarded as innocent until he is tried by his peers and found guilty and then let the judge make it clear that he is to be sent to prison—not because we despise him, or wish to execute vengeance upon him—because that would be mob law, a wicked, devilish thing—but because the man has shown that he is not fit to live in free society and he must be confined until society is convinced that he can live peaceably with other people and society, that he is an honorable citizen and a respecter of the laws of God and man. Do not send him out to be whipped in public; do not send him to cruel torture but let him know that faith and hope and love are in the world, faith in God, faith in man, and hope that every prisoner can be reformed. But “greater than these is love”. For love beareth all things, endureth all things and however wretched, wicked and depraved a human being may be the love that is Godlike is strong enough to hold on to the wandering soul and give him every possible opportunity to return to his love of humanity and to seek and find his God.

Papers were then read by the REV. HERMAN DUHRING, D.D., and the REV. W. C. SToudenMIRE.

THE RELATION AND DUTY OF THE COMMUNITY TO THE DISCHARGED
PRISONER.

BY REV. L. DUHRING, D. D., SUPERINTENDENT OF THE PHILADELPHIA
PROTESTANT EPISCOPAL CITY MISSION.

The discharged prisoner is no curiosity; but why is he so commonplace an article in the community? Simply for the reason that prison reform, which begins at the beginning, and aims at prevention, is yet in its very infancy. Our subject suggests a possibility of reform work so early applied that it may prevent men and women from becoming discharged prisoners.

When vaccination shall have wrought its preventative work universally in the community, we may expect to see the municipal hospital itself, in every great city, an antiquated curiosity; and likewise are we firmly of the opinion that when prison reform shall have brought about plans, schemes and methods, whereby the criminally inclined shall be saved from becoming prisoners, and they that are incarcerated shall be reformed rather than crushed, then too will prisons themselves be less crowded, yea, uninhabited, empty relics for visitors to inspect, just as now-a-days travellers everywhere in foreign lands visit with lighted torches the dark, deep dungeons that were, but a century back, judged the most fitting instruments for the reformation of the prisoner. Thank God, the community of the twentieth century has bettered its relations to the criminal class in a large degree. The night of punishment, for punishment's sake alone, is passing; the day of rescue work is dawning. The situation of to-day, compared with yesterday, shows the most vast improvement.

Just think of it! Not long ago in England it was the common practice to sentence criminals to be hanged for stealing articles of the value of forty shillings and upwards. And when Howard was sheriff of Bedfordshire in 1773, jail fever and smallpox raged like plagues in most of the prisons of that day, and prisoners even when found not guilty, or against whom no true bill was returned or no prosecutor appeared, were not released from jail, if unable to pay the fees of the clerk and other

officers of the jails. Mark you, all this was at that time looked upon as both natural and wholesome discipline. Yes, and in the Bishop of Ely's prison, the keeper prevented escapes by chaining down his prisoners on their backs on the floor, and by fastening an iron collar with spikes about their necks, and a heavy iron bar over their legs. There was in it no free ward, no infirmary and no straw, and debtors and felons were confined together. In the Durham County jail, for another example, Howard found there a great hole sixteen and a half feet by twelve, with one little window, in which were six prisoners chained to the floor. These men had tried to escape, but they were ill and in chains, and the straw in their dungeons was worn to dust.

The prisoner and the discharged prisoner was a branded man, and women prisoners disgraced women forever. No individual, no society, no community, spent thought or money or effort, to feed, clothe or re-instate these most unfortunate in society. All hope abandon ye who enter, and all hope abandon ye who leave the prison, was what past ages placed in letters of torture before every prisoner and every discharged prisoner. But to-day, praise God, sympathy is the environment of the discharged prisoner in every Christian, and in many a civilized heathen land, Japan for example. Indeed we are keenly sensible to the fact that praiseworthy efforts are now-a-days really made to restore to a place in society the liberated transgressor; but the imperfection of all these present day movements is that they are as yet short-lived, temporary make-shifts. After the first thirty days of freedom, these men and women out of prison are left to themselves, to shift for themselves, and no marvel therefore that such a large percentage backslide. True, we say it is their own fault, but may it not be ours also? Is it not the duty of the community to cover the land around every prison with systematic efforts to provide every discharged prisoner with both the means and the where withal to earn an honest livelihood, for a month whose days are years? This I take it is the practical reformation that will some day be the solution of the discharged prisoner class problem.

Now the proof that such wide-spread plans, by society, by government, by large corporations, and by department establishments of every sort, would not meet failure, rests in the fact that it is the rule, rather than the exception, that whenever a man has a really honest opportunity to get work, he works, and measures

himself up fully to our expectations. To illustrate, I could take you this moment to half a dozen very busy industries where I can always get a place for a man to be tested, where "Neither do I condemn thee, only work and sin no more" is the gospel of welcome encouragement; and what is the percentage, ten per cent. fail, but full ninety per cent. become steadfast, immovable, in the ways of honest industry and righteousness. I know men this moment of such a reformatory class, whose salaries run into the thousands. "What nonsense," I hear some exclaim, and no marvel, for I am sure you have never tried the experiment as yet upon a single soul. Try it, and you will think as I do. Do not these individual efforts argue strongly and unanswerably for widespread imitation on the part of every large community?

But next, to make permanent such success, there must be an end, an utter end, to that widespread gossip of society which seldom hesitates at telling all it knows about the past life of the discharged prisoner, and especially when it marks that the man is prosperous to-day, will it lift the curtain from long ago, we mean plainly and to speak from a wide experience of many years, that to-day, has sent thousands backward, downward, and to death, yea, even to a suicide's death.

Let us illustrate: We are in New Orleans. There in a large factory is a first class workman, a superior mechanic. He has been worth to his employer every cent of the four dollars a day he has been making for a full twelve month as a steady and sober man; but infernal gossip comes along, a chance visitor, a man, *not* a woman, is being shown through the great shops. Exclaims the visitor to his host: "Do you see that man over there? I know him. Why he is a discharged jail bird." The news spreads like wild fire. Suspicion has been aroused, discharge follows, in a week he was in the gutter, in a month in a suicide's grave, and small wonder it was not sooner.

We are in a city in the far West. One who was made shipwreck and lost all chances while in the East, has here established himself beyond the shadow of a question. He is one of the first citizens, and a leader in all good work. One day a tourist comes along who knows of all that happened forty years back. He blazes it abroad. Do you wonder at the consequences? I need not state them.

It is Chicago: For years one of the best members of the city's police force had done his duty with a clean conscience and brave heart and a strong arm; but gossip at last let it all out, an ex-convict recognized an old offender in the model roundsman, and published it broadcast. You know the rest of the story.

It is New York: The prosperous man has built himself a practice that makes \$10,000 a year as a skilled physician. A score of years has he established himself in the community, but one day newspaper sensationalism inadvertently told a startling story of long ago, a name crept in, the name was recognized, ruin followed and death closed the chapter.

It is Philadelphia, the City of Brotherly Love: "Dr. Duh-ring, I am discharged." "Well," was my answer, "Have you played false again?" "Oh, no, but somebody recognized me yesterday, and that person told the president, and he informed me just this morning that he was powerless to keep in his employ any discharged prisoner; the law of his corporation was iron clad and forbade it". And here is another, so faithful, so intelligent, so energetic, that his salary was \$250 per month in one of our great city industries; but the old, old story of gossip has told on him, and the truly repentant discharged prisoner is to-day walking around the streets, a discharged employe, seeking in vain for work, seeing starvation for his family.

And so on, with a score of sad incidents, I could illustrate the dread results that follow after that thoughtless talkativeness that tells what it knows of the past with never a thought that it may be the death of all reform in a life just beginning to walk in newness of life. Quench not the smoking flax, break not the bruised reed.

Reformation, not repression, while in prison, methods that will emancipate the prisoner from the black past, and then when free the duty of the community to lend a hand that will help the man upward, and with a tongue that will be eloquent for better things for every man, and a silence for the past that will literally forget "The things that are behind, and press towards the mark for the prize of the high calling of God in Christ Jesus." The gospel of a right hand of fellowship, the gospel of a right hearted encouragement that opens a door to work, the gospel of a silence that forgives by forgetting all the past, and cheers upward by saying, like the Israelites of old, "Come thou with us, and we will

do thee good, for the Lord has spoken good concerning Israel." Dumb to all by-gones, eloquent for things to come, both temporal and eternal, shall not these relations to the discharged prisoner make him a prisoner of hope, a new man in Christ Jesus?

Every year there are about 100,000 men and women in the prisons of our land, and their keep is costing the community full \$20,000,000 annually. Suppose we save them from becoming prisoners? What a saving in money value, what a salvation of souls, as well as bodies. The relation and duty of the community to the discharged prisoner is, in my humble judgment, a responsibility that should start, not at the prison gate, but at the cradle, which means unquestionably that while church work for adults is truly gospel work, that while evangelistic work in prisons is really successful work, yet, after all, the work amongst the children, the emancipation of infancy from the slavery of sin, is the true evangelization that will best save the whole world and make possible the millenium in ten thousand days rather than in ten thousand years. And yet, brethren, "if any of you do err from the truth, and one convert him, let him know that he which converteth the sinner from the error of his ways shall save a soul from death and shall hide a multitude of sins."

It is nigh four thousand years since a certain venerable Egyptian called before him a young Hebrew slave, a discharged prisoner, and with a marvelous silence about all the past of that discharged prisoner's life, that same Egyptian measured him up and made him the prime minister of Egypt, next to Pharaoh in all the land. I beg of you to read that story of Pharaoh and Joseph, and to read into it all that is left out of it, and you certainly must confess that Pharaoh, king of Egypt, has set us an example which may well be followed, even by we of this twentieth century.

But look at the Great Teacher Himself at the table of the tax gatherer at Capernaum, what marvelous silence about those extortions of the publican. It was the "Come, follow Me" that transformed Levi, the publican, into Matthew, the Apostle. As we have been lifted, so let us lift up others also. We *are* our brother's keeper. We can be our brother's saviour. In His name it shall be done.

THE TREATMENT OF PRISONERS—PAST AND PRESENT.

BY REV. WM. C. SToudenMIRE, A. M., GENERAL AGENT MARYLAND
PRISONER'S AID ASSOCIATION, BALTIMORE, MD.

This is a subject so exceeding broad that it might well occupy an entire volume of a thousand pages, to give anything like a satisfactory treatment; therefore, what I shall be able to say, in the brief time allotted me, will be necessarily very fragmentary and incomplete.

THE TREATMENT OF PRISONERS IN THE PAST.

Let us notice in the first place the dark ages of the treatment of prisoners, extending from the origin of civil society to the beginning of the eighteenth century of the Christian era. Among the tens of thousands of prisons where no sentiment of humanity towards the prisoners ever seems to have penetrated the breast of the jailer, or warden; no look of tenderness, or tone of kindness seems ever to have saluted the senses of the convict, or soothed the misery of his incarceration, are the following well known penal institutions: The Tower of London, the Bastile in Paris, the Spielberg in Austria, the Mamertine at Rome, the Plombs of Venice, the mines of Siberia. These are types of the less renowned, but no less cruel prisons in all parts of the world in the dark ages of prison life. The horrible inscription over the entrance of Dante's Inferno: "Let all who enter here leave hope behind," stood emblazoned above every prison door, everywhere, through centuries and cycles, crushing every aspiration and paralyzing ever better sentiment and endeavor toward a nobler life, except, perchance, the effort to escape from the hated prison hell. For the terrific personification of punishment, in the Hindu code, was a living reality in all these prisons; namely, "Punishment is the inspirer of terror, with a black aspect and a red eye it terrifies the guilty." There is no mention of a prison, among the institutions given to the Hebrews, but the Bible mentions the subterranean dungeons, to which the descent was by ropes, in which the prisoners remained sunk in the mud and mire, exposed to a

lingering death. Plutarch tells us of the subterranean chambers, without external air or light; the prison being without a door, closed by a huge rock placed upon it. This kind of a prison the Cretans claimed had nothing bad about it except that those who were put in were never able to get out, surely this was a sufficient horror. Horrible tortures of the severest kind were inflicted upon prisoners by the Persians, Egyptians, Phœnicians and Carthaginians. Prison was a word synonymous with a place of sighs, groans and weeping; a most hideous, loathsome and gruesome abode. Torture was not only freely employed, but it was scientifically studied, so as to inflict the greatest possible amount of pain without committing murder, and the torture so applied to the wretched prisoner as that he might soonest again be able to undergo another dose. This was the principal treatment received by prisoners for long centuries. When Beccaria, an Italian, raised his voice against it, and not only showed its folly, but its gross sinfulness, the people were amazed at his daring to meddle with a practice so time honored, so easy of application, and, as they thought, so useful to society and so effectual a remedy. 'This same cruel treatment is still practiced wherever the public is not interested in the treatment of the prisoner. Darkness breeds cruelty and gross darkness breeds bitterest cruelty and severest tyranny towards convicts in all nationalities and ages. Prison walls are fully as effectual in keeping out the eyes of the critical public, as in keeping in the convicts; hence the danger of cruelty to the inmates, where the officials look upon them as mere subjects for discipline and severity, as there are numberless ways of evading public gaze and searching scrutiny.

In England, during the reign of Edward VI, 1550, Bishop Latimer, in a sermon preached before the monarch, boldly lifted his voice against the heathenism of the London prisons, saying: "Oh! I would ye would resort to the prisons, a commendable thing in a Christian realm. I would there were curates of prisons, that we might say the Curate of Newgate, the Curate of the Fleet, I would have them waged for their labor." He spoke of the blessed work of carrying the Gospel to those deprived of sermons. In his "Book of Martyrs" Fox often glances sharply at the iniquities practiced upon prisoners and the miseries endured by them, in the reign of Mary, succeeding that of Edward VI.

During the reign of Queen Elizabeth (1558-1603) Bernard Gilpin regularly visited all the jails that fell within the range of his missionary circuits, in the northern counties of England. Treaties on Prison Abuses began to appear in 1618, during the reign of James I.

The English prisons are described in these earliest writings as schools of villainy, moral pest-houses, sinks of debauchery, places where the penniless may starve to death, and where injustice and cruelty to prisoners were openly legalized. As the eighteenth century of the Christian era dawns upon us, we find a marked advance in the prison reform sentiments and work.

In Rome, 1704, the supreme pontiff, Clement XI, reared an institution, and established the plan of prison discipline known as the "Auburn System", that is, a separate cell imprisonment by night and silent associated labor by day. Over the door of this institution was the inscription: "For the reformation and education of the criminal—that those who, when idle, had been injurious to the state might, when better instructed and trained, become useful to it." Inside this prison, a slab bears this inscription: "It is of little use to restrain criminals by punishment, unless you reform them by education." John Howard, the great philanthropist and prison reformer of England, found in this golden sentence the true policy of all just prison treatment. Elam Lynds and his associates, over a century later, introduced this same system in America.

That such an institution, with such advanced principles, should proceed from Pope Clement XI, at a time when chains, dungeons and multiplied tortures were almost the only punishment in the rest of the world, is marvelous and entitles him to mention with, and a place among the most enlightened reformers of the world.

The name of Howard, above mentioned, takes us back to England in 1773 where, at the age of forty-six, he was beginning his remarkable career as a prison-reformer. No one ever arose to champion the cause of the prisoner with clearer vision, deeper sympathy, or a more dauntless spirit of heroism than he. At this time in England, the law as well as the custom laid the cost of the prisons upon the prisoners. There were fees, rents, filth, squalor, starvation, swarms of vermin, colonies of rats, thumbscrews, underground dungeons, prisoners being chained to dead bodies,

jail fevers and smallpox sweeping away hundreds, these with a thousand other iniquitous practices, by the shameless magistrates give an idea of what kind of treatment the prisoner received and with what they had to contend. Howard found that the English public and parliament were utterly ignorant of prisons and prison treatment, and he made it his duty to carefully visit the principal prisons in every continental state, some of them repeatedly, gathering every information possible, and finally, having satisfied his exacting conscience, he published his book on the "State of Prisons," with twenty-five quarto pages of proposed improvements, with 500 pages of facts. Thus he dragged the abomination of prison life into daylight and forced it upon the notice of the public and parliament. He suffered and wrought heroically, publishing at least two later volumes, but finally died weary, disheartened and disappointed. But he laid the foundation for great and blessed reforms.

Mrs. Elizabeth Fry, a thoroughly good woman, whose social relations and peculiar gifts, together with the wealth of her husband, gave her exceptional opportunities, took up the mantle of Howard, in 1813, visiting and ministering to prisoners. She and other ladies forming an association for the improvement of female prisoners in Newgate. They provided materials for their employment, formed the prisoners into working companies, found a market for their productions, provided them with decent clothing out of their own earnings, and established Bible classes among them. Through these means the savage rabble was reduced to decency and order. It is said the city dignitaries and prison officials could scarcely credit what they saw. Public attention was called to the good work by a letter published in all the newspapers. The fashionable philanthropists, aristocrats, members of parliament, cabinet ministers, royal dukes and duchesses flocked to the philanthropic show, and the experiment was well nigh swamped through its success. Thus popular interest was aroused in prison reform and means to carry on the work was abundant. It was through her influence that prison discipline and the amelioration of the penal code were raised to an equality with the abolition of slavery, and that the principle was firmly established that none but women should be employed in the superintendence of female prisoners.

She did more than any one else to introduce Christian faith and godliness as the essential basis of a reformatory prison discipline. Her earnest, long continued and successful labors in this direction, all over the continent of Europe, constitute her direct contribution to the development of prison discipline and the progress of prison reform; but indirectly she aided the cause with more effectual good by awakening an interest in it among the high, the wise and the noble wherever she went.

Along with the work of Mrs. Fry there was formed in 1815, a society for the "Improvement of Prison Discipline." The fires thus kindled were kept burning and the treatment of the prisoners became more humane everywhere. It would be interesting to note the progress down the ages, but this must suffice for the present.

We will now glance at the dark age of prison life in America. The reign of darkness in prison life in this country was shorter, but no less cruel than it was in the mother country. Connecticut had an underground prison for more than fifty years, in an old mining pit, on the hills near Simsbury, which equalled in horrors all that was ever related of European prisons. The prisoners were crowded together at night, their feet fastened to heavy bars of iron and chains about their necks and fastened to beams above. These caves reeked with filth and vermin, causing incessant contagious fevers. The inmates educated each other in crime and vice of all sorts. Their midnight revels are said to have resembled the howlings of pandemonium, banishing sleep and all manner of repose from the place.

In Philadelphia, the City of Brotherly Love, all ages and sexes were imprisoned together; the novice in crime, the hardened criminal, the debtor, the wretch streaming with blood fresh from the whipping post, the vagrant, the drunkard and the convict. Intoxicating liquors were bought and sold at the bar kept by one of the prison officials; acquitted prisoners were kept for jail fees, the custom of garnish prevailed. There was no instructions, religious or otherwise, no effort, or desire to have any such thing. When the first sermon was preached, in a Philadelphia prison, a man stood by with a loaded cannon, with a fuse in his hand during the preaching. If perchance the gospel failed, the gun might subdue the prisoners. In the Boston jail in one year a thousand debtors were confined in the same crowded night rooms with a thousand criminals, men, women, boys, girls, idiots, lunatics, drunkards; innocent and guilty were mingled pell-mell together.

There was no restraint put upon gambling, lascivious conversation, or quarreling. The penalties were often barbarously severe. Negroes were burned alive, sometimes with green wood, to prolong the agony, in the early history of New York. At other times they were hanged in iron frames to die of starvation, their bodies being devoured by birds of prey. In almost every part of the country, the stocks, pillory, and whipping post were painfully visible throughout the eighteenth century.

These are only samples of the kind of treatment prisoners received in the early history of our country in almost every prison.

A glance now at the brighter side, the more hopeful phases of prison life, will be refreshing.

The Philadelphia Society for Alleviating the Miseries of Public Prisons was organized in 1776, and excepting a brief period during the Revolutionary War, has been an active and effective agency for the betterment of prison life. The Boston Prison Discipline Society, organized 1824; the Prison Association of New York; the Maryland Prisoners' Aid Association, organized in 1869; the National Prison Association of the United States of America, dating from 1870, together with other organizations and numerous noble men and women have accomplished an unknown and measureless amount of good in prison reform. The darkness turned to day, the wretched were made to rejoice in hope of not only being released from prison alive, but clothed and in their minds, with a chance for an honest livelihood and good, Christian citizenship.

For sixty-five years, incessantly, Mr. Goldsborough S. Griffith, the president of the Maryland Prisoners' Aid Association, has been visiting the prisons, reformatories and alms-houses of Maryland and the South, inspecting and preaching in them, correcting many cruel abuses that existed, publishing pamphlets, reports and criticisms in the daily papers, keeping the importance of prison reform fresh before the public, until he is commonly called the John Howard of the South, which he most richly deserves for his life-long services in this great Christian and philanthropic work.

THE TREATMENT OF PRISONERS AT PRESENT.

The learned penologists of the age in which we live thoroughly agree that the period of barbarous treatment of prisoners, in which the prisoner's life was jeopardized by the unwholesome prison, is passed and a new era has dawned upon us; wherein the stenchy, verminous, death-dealing prison is displaced by the modern cleanly institution.

Whereas formerly physical, or brute force was used to subdue the prisoners and to secure discipline among them, now that kind of treatment is relegated to the dark ages, to the barbarous times.

In England, less than a century ago, there were 222 offenses punishable with death, many of them being what we now term petty offenses, human life was dirt cheap, if perchance it fell among criminals. It was not thought worth saving to the state or church. But this new era, largely brought about by the earnest untiring efforts of this great National Prison Congress, says emphatically that the life of the prisoners is worth saving; and acting upon that great philanthropic principle, men and women become students of criminology and give their time and talents to the blessed work of reforming and saving them to the church and to the state.

Let us look at the subject clearly. The prison has two phases, the immediate prevention of crime by separating the criminal from the community; secondly, the reformation of the prisoners; the former is only a subordinate necessity; but the latter is the great important purpose of incarceration. Pathologically considered, the criminal whose moral and spiritual faculties are so utterly wanting, blunted or undeveloped, as to make him dangerous to himself and to society, must be put in prison and treated; and made to feel at the same time that swift, sharp and adequate punishment will be meted out to him, without sentimentality; but his treatment should always be such, as to force the conviction on him that he is still capable of reformation, of becoming an upright citizen, and a Christian gentleman.

While the prisoner is of necessity forced to serve a sentence in prison, as punishment for his crime, that does not mean that he is to be thrust into a dark, foul hole, emitting a horrible stench and fearful in aspect, starved and brutally treated, in order to avenge the state, or the parties wronged, in person or property, by his crime.

The clubs, thumb-screws, the pillory and whipping-post are going out of use. Of course there is a class of convicts, but we are happy to say it is small, who, by heredity, environment, or continued course of crime, have become so hardened, depraved and desperate that the sternest and severest means are necessary. It is always to be remembered that prisoners are still men and must be appealed to as such and encouraged to comply with the rules of the prison, perform their duties cheerfully and show themselves to be men, and that in turn they will be treated with the utmost fairness by the warden and others in charge.

To illustrate, I will use the institutions and the treatment of prisoners of Maryland, which fall under my daily observation and form the chief part of my prison experience and labor.

In the former days of the history of the Maryland Penitentiary the buildings were inadequate, dark and stenchy, owing to the facts that those buildings were out of date, oil lamps were used, or no light at all, lack of proper sanitary arrangements, the old bucket system was in vogue.

Within the past ten years a new, model building has been erected with the best sanitary appointments, electric lights for every cell, a palace in comparison with the old building.

During the past fifteen years there has been a wonderful change wrought in the discipline and management of the institution, by Mr. John F. Weyler, the most excellent and humane warden. He has kept before him, in his endeavors, the main object of the prison, namely, the protection of society, thus making secure the lives and property of the good citizens. Inasmuch as society is best protected by the reformation of its criminals, it is a declaration of the penal codes of most, if not all the states, of our great republic, that the supreme object of prison discipline is the restoration of the prisoners to good citizenship. When a prisoner is received in this institution, the warden carefully examines him and tests him,

in order that he may be properly classified and graded, as to his location and industry.

The study of each case is a matter of importance, as no two prisoners have exactly the same mental and physical capacity and temperament. Thus while they are under one general discipline each one is dealt with personally. Everything conspires to husband whatever remaining sparks of the better nature and nobler manhood the prisoner may possess. He is well housed, well fed with good, wholesome food, well clothed, and supplied with regular and healthful exercise in one of the industries. He is permitted to attend the regular religious services twice every Sabbath and receive religious and other books from the prison library, he is allowed to make money by over-time work, which is set to his credit, and to use it for himself, at the discretion of the warden, or to help support his family on the outside, otherwise he receives the entire amount when released. He is allowed one visit each month from his relatives or friends, and he has the privilege of seeing the warden or chaplain at any time.

The resident physician of the institution visits the prison and hospital daily.

Every effort is made to inspire hope in the heart of each prisoner, for without this even the good can scarcely retain their integrity, and the bad cannot possibly regain their virtue and retrieve their good character.

There is a daily court held each afternoon, the warden acting as judge, where all, charged with violating the rules of the prison, are brought, and a patient hearing is given by the warden to each individual case, so that the prisoner is acquitted, reprimanded, or punished upon the same day, before he retires to his cell.

Corporal punishment is the last means resorted to by the warden.

The good results of industrial labor in the Maryland penitentiary is seen not only in keeping up the physical and mental health and strength of the prisoners, and in giving them a trade on release, whereby they can make a good living; but the overtime work gives them a little ready money, as a capital, with which to start the new life on the outside. During the past nine months, the convicts have earned for themselves \$14,125.05, besides in these nine months making enough for the state to pay the entire expenses of the prison and a surplus of \$14,527.23, to be turned over to the state treasury.

The moral and religious sentiments of the warden and the subordinate officers and their manifest faith in our work of love and mercy inspire the respect and confidence of the inmates in our reformatory efforts in their behalf. Hence we have given to us every possible assistance and encouragement. The large chapel, seated with 1600 opera chairs, with pipe organ in the gallery, a choir of convicts, taught and led by Prof. Heller, from the outside, is at once an inspiration to the audience and to the preacher, or chaplain. The prisoners join heartily in the singing and the entire service. At the conclusion of each morning service, any of the convicts are allowed to come to a quiet nook in the chapel, while the library books are being exchanged, and seek further light by a personal talk with the chaplain. These cases are followed up in their cells, and those converted are carefully instructed in the Law and the Gospel, until they become familiar with the things that a Christian ought to know, believe and do to be saved; then they are allowed to make a public profession of their faith in Christ by baptism and confirmation, in the presence of the entire congregation of convicts, and receive the sacraments of the Lord's Supper, together with those formerly received.

To illustrate this: On the first Sunday in January, 1902, I started a class preparing for baptism and confirmation at Easter. Each Sunday morning, in addition to my regular sermon, I delivered a brief address on a part, either of the Ten Commandments, the Apostles' Creed, the Lord's Prayer, Holy Baptism or the Lord's Supper. I distributed appropriate and helpful literature and publicly and privately exhorted and examined each of my class, as to his understanding and appreciation of these sacred truths. The Spirit of God was manifested in his convicting and converting power, and before the 30th of March arrived, I had a class of one hundred and forty who were ready to confess Christ.

On Easter Sunday morning Rev. John Timothy Stone, D.D., pastor of Brown Memorial Presbyterian church, assisted me in the baptism of thirty-five and the confirmation of 105, making 140 in all, who confessed Christ and took the Holy Sacrament, along with eighty of the convicts who were previously confirmed. Dr. Stone preached a most blessed and helpful Easter sermon, before the sacraments of baptism and the Holy Supper were administered. It was a most solemn and impressive service.

On release communicants may receive a letter commending them to any Christian pastor, or church.

The same humane spirit is manifested towards the prisoners and the same opportunities, as far as possible, are afforded to them in the various penal institutions of Maryland, limited, more or less, in the county jails.

THE TREATMENT OF PAROLE PRISONERS.

In addition to the prisoners in the penal institutions of Maryland, we have what is termed paroled prisoners. Under the act passed in the Maryland legislature, in 1894, through the influence and efforts of Mr. Goldsborough S. Griffith, president of the Maryland Prisoners' Aid Association, the judges of the courts are given the discretionary power of suspending sentence, instead of sentencing convicts at once, and placing them in whatever custody they may deem proper, and with the privilege of reforming them without incarceration, except when they break the terms of their parole. During the past three years there have been three hundred and fifty-four of these cases placed under the supervision of the Maryland Prisoners' Aid Association. We permit them to live at their homes, engage in the ordinary pursuits for a livelihood; but we have the privilege granted us, by the courts to visit their homes and places of employment, so as to be able to intelligently report to the court once a month, as to their conduct. We demand of them that they shall be continuously employed; if not, they must report daily to us, 'till we can secure employment for them. We also strictly demand of them that they shall attend a course of moral and religious lectures, delivered on Friday evenings at 8 o'clock, generally by the general agent of the Maryland Prisoners' Aid Association, who is chairman of the parole committee. This work was undertaken as an experiment, but it has passed out of the experimental period and proven to be a help and blessing to these prisoners and to society, far beyond the most sanguine expectations of its promoters. Of the 354, placed in our charge, only sixteen have broken the terms of their parole and have been sentenced to some reformatory or prison, while under our supervision.

What I have said in regard to the penal institutions and the treatment of prisoners in Maryland could also be said, with some variations, of the prisons in Pennsylvania, New York, Massachusetts and most of the other states, both regarding the buildings

and the treatment of the prisoners. Industrial labor, affording exercise to the inmates, secular and religious training, along with fair and impartial treatment to those incarcerated, is almost universal; it is generally conceded that to preserve the health, to strengthen the mind and to form the habit of industry is the best way to prepare the prisoners for freedom and self support, when released. It has taken centuries to dispel the deep darkness and gross ignorance on the subject of the treatment of prisoners and to bring about such treatment as they now receive and to foster such broad and humane principles as insure continued improvement. Well may we thank God for past achievements and take courage for the future, in the great study and work of prison reform.

MONDAY—MORNING SESSION.

WARDEN'S ASSOCIATION.

The Prison Congress was called to order in the Musical Fund Hall at 9:30 A. M. by PRESIDENT HENDERSON. Prayer was offered by the REV. DR. LOCKE.

WARDEN N. F. BOUCHER, of North Dakota, president of the Wardens' Association, was introduced and took charge of the session.

ADDRESS DELIVERED BY N. F. BOUCHER, PRESIDENT OF THE ASSOCIATION, AND WARDEN OF THE NORTH DAKOTA STATE PENITENTIARY.

Before proceeding with a short discussion of the subject, "Effects of Imprisonment", I desire to congratulate you upon the extremely pleasant and happy conditions under which we are again permitted to meet together as an organization in this City of Brotherly Love, for the purpose and in the hope of discovering some new ideas or plans, or improving old ones, which in their practical operation shall inure to the benefit of that part of the unfortunate and unhappy criminal class, which comes directly under our supervision and for whose present and future welfare we are in a large degree very properly held personally responsible.

Neither the great Commonwealth of Pennsylvania nor this its greatest municipality in which we are assembled, needs our praise nor the seal of our approval to establish the fact that its record as to the management of its criminals and criminal affairs is a creditable one to those good and great men who have made it an enviable one to those on the outside who know its history.

On behalf of the National Wardens' Association I return earnest thanks for the privilege which is accorded us of being here and wish it to be distinctly understood that we do not come here to teach but to be taught; and with that idea in mind I will make a few remarks or suggestions on the subject above referred to, which may lead to discussions which will be to the advantage of some of us:

I will consider first the collateral effect of imprisonment or its effect or influence on others than the one actually suffering the loss of his liberty; it is almost beyond the scope of human imagination to measure the loss or portray the grief, anguish and suffering of the fathers and mothers who mourn a fallen son or daughter, who is to them almost without exception as innocent as when they listened with joy to its first baby prattle or of the wives who are ruthlessly separated from and deprived of the love, comfort and support of those to whom in all the world they are most entitled under human as well as divine law, to look for and receive the same, or of the children whose names are tarnished, whose present welfare and happiness are blasted and whose future prospects are blighted by the downfall of the father or mother whose help, guidance, support and protection they need every hour of every day of their lives; who of us can tell all that this means, I venture this statement, that there is not one among us who can make a guess which would give a fairly approximate idea of the amount of misery and suffering that is brought about by cases of imprisonment such as I have above alluded to; this is one phase of the question; it gives a glimpse of one of the unpleasant views of a many sided picture; these unhappy results of imprisonment cannot be termed wrongs or evils and while we will all agree that they cannot be avoided, the question of how to alleviate and modify them is one deserving the most careful consideration and discussion by our and all kindred organizations.

A change of environments, conditions and associations will accomplish more in this direction than anything else, or perhaps more than all other things combined; this will be found true in almost every case but particularly so in the cases where the previous environments and associates have been unfavorable or really bad; if those above alluded to constituted all the effects of imprisonment on those other than the one imprisoned it could hardly be maintained that any good in that direction resulted from it, but there is at least one other, and while there are those who seem disposed to doubt if not entirely deny that the punishment of crime by imprisonment has a deterrent effect on those who are not inclined to be law-abiding citizens, my experience leads me to a contrary belief, which is, I believe, supported by history during all time; the human race, like every other species of animals, is disposed to imitate, and it is difficult if not impossible to find the individual who is not trying to make someone else his pattern, his

ideal; if each one would choose a model deserving to be patterned after it is hard to conceive of the good results which would follow; the millenium would be at hand; those engaged in prison work, whether of management or reform would soon be out of a job and prisons and prison plants could be dismantled of locks and bars and devoted forever more to some charitable or philanthropic use; there is no doubt that the burned child looks out for the fire; there is no doubt that many individuals remain law-abiding citizens not because of their disposition to obey the law nor their desire to do right, nor out of respect for the personal or property rights of others, but solely and entirely because of the fear which they have for the punishment that might be inflicted upon them should they commit a crime and be found guilty of having done so; in other words they are deterred from committing the crime which is in their heart by the knowledge that other persons who have committed the same crime have been deprived of their liberty as a punishment therefor; this idea may, I think, be carried a little further, and it is safe to assert that there are many persons who for an indefinite period of time have been guilty of petty offenses and who have been convicted and imprisoned therefor who are deterred from the commission of more serious crimes by the fear of the increased punishment which they would receive therefor by a longer term of imprisonment.

Punishment of crime by imprisonment in addition to the good which it accomplishes in segregating the offenders from the rest of his fellows, thereby helping to stop the spread of the disease from which he is suffering, has, as has been shown, a deterrent effect upon others, and must, it would seem, continue to be used as a remedy until further enlightenment gives us something in its place which better answers the purpose.

Incidentally at this point I desire to call attention to the field of labor which here lies open to those who have the inclination to engage in the work and the time and money which they can afford to devote to it; I refer to the work of alleviating the suffering, lightening the burdens and leading in the paths that they should go, those unhappy and unfortunate ones who are deprived of the support, protection and guidance of those to whom they should naturally look for the same but upon whom the strong arm of the law has laid its hand and justice has meted out the punishment of imprisonment which in most cases is well deserved.

To those who are interested in such matters and cheerfully devote a large part of their time, energy and money thereto, I venture to put this inquiry: Would it not be a wise move and one in the right direction if less time, money and energy were expended by yourselves and by the states and municipalities in which you reside, on the offender during the time that he is undergoing punishment by imprisonment, and more on those who were dependent upon that offender or affected by his imprisonment?

Without answering this question or attempting to do so and without commenting on it in further detail I beg to suggest that this field is a large one, the harvest is ripe and continually ripening and the laborers are few.

The further consideration of our subject leads us to that phase of it in which those engaged in prison work are, or surely ought to be deeply interested: I refer to the effects of imprisonment on those who are imprisoned, a subject so broad, so far reaching that it is almost beyond an ordinary imagination to take in its scope; the history of many a single case carefully kept within the limits that would fairly show the effects of imprisonment on its particular subject would fill volumes; I say that those engaged in our work are or ought to be deeply interested in this phase of our subject, because those effects are largely what we make them; it is not amiss for us to frequently ask ourselves the questions are the effects of their imprisonment on those under our charge what they should be? Have we been and are we now doing all that we can to make them such? For myself I am ready to admit that I have often found it a hard question to answer; how it may be with others I can only surmise; I know this however, that each must make his own record, each must stand or fall by himself, it is a matter in which there can be practically no community of interest; I have heard it asked are there not rules which can be followed in the care, custody and control of prisoners which will insure the best results or good results looking at the matter from all points of view; it may be truthfully answered that many good rules have been at different times and places promulgated and enforced with a greater or less degree of success but it is just as true that the management of those imprisoned is not a fixed science, that the plan which never fails, the method that is faultless and beyond criticism has not

yet been discovered or at least if discovered has not so far as I have been able to learn been put in actual successful operation; there is just as much difference between formulating rules or advancing theories and successfully enforcing or carrying them out as there is between a real battle and a sham battle; there may be just as much noise in the one as in the other but the effect is far from being the same; it will be asked then how will we get the best effects on those imprisoned and I shall not attempt to answer the question except by making a suggestion or two; the successful physician makes a careful diagnosis of the condition of each patient that is brought to him or he is called to attend before prescribing a remedy, and each case is treated by itself and is given the benefit of his best attention and all his skill; the successful lawyer in the same manner, first carefully ascertains all the facts of his client's case and when he has done this looks up the law which applies to the same before he proceeds to sue for the relief or redress to which he believes his client to be entitled; each case is tried by itself and must stand or fall according to its merit; what is true of the successful doctor and lawyer is almost equally true of the successful man employed in any of the other professions, trades or vocations in life; the doctor does not succeed in curing every patient; the lawyer does not win every suit; the farmer does not raise a bumper crop every season; success in any vocation is not a matter of course but is the result of energy and skill well expended; the result of correct business principles properly and persistently applied.

We are then naturally lead to inquire: Have correct business principles been properly and persistently applied in the care, custody and control of those committed to our keeping as prisoners by and under the law? Has each individual case received the treatment which it deserved at our hands, the care, attention and skill which are exercised by the successful doctor, lawyer or husbandman in their respective vocations and if there be those among us who feel compelled to answer this question in the negative to our respective consciences, let us take to heart the lesson taught and go back to our homes with a firm determination that we will benefit thereby, that we will inaugurate and carry out such reforms, such changes in our methods as will result in the greatest good to the prisoners under our control.

A paper by DR. J. T. GILMOUR, warden of the Central Prison, Toronto, Canada, was read.

CORRECTIVE MEASURES IN PRISON DISCIPLINE.

The penologist of to-day occupies a position of the greatest responsibility. Standing as it were between two centuries, he is expected to and should exemplify only the best methods the past cycles have evolved. In his daily work he is consciously or unconsciously sowing seed, the fruit of which will be the penology of the new century. As we cross the threshold of the dawning era, we owe it to ourselves in particular and to society in general, to bring with us only those methods and practices which are for the betterment of the delinquent, and of economic value to the state. The question of prison punishment is important, its effect is far reaching, for the punishment of a delinquent while in prison has a considerable influence in determining his future when released. Previous to the days of the self-sacrificing Howard, the incarcerated were treated with a barbarity that was a disgrace to man. Howard's life work started the pendulum swinging in the opposite direction and it has been swinging that way up to the present. The danger that confronts us to-day is that sentimentalism may be as injurious to the delinquent of the future, as barbarity was to the delinquent of the past.

In administering punishment within the prison, the first and one of the greatest considerations is, how can we attain the object we have in view without injury to the subject. The chief modes of punishment are deprivation of privileges, confinement in cells, confinement in dark cells, placing the prisoner on limited rations, confining offender in one position, and whipping. There are many other forms of punishment according to the ideas and facilities of various prison wardens. For the purpose of this discussion we have enumerated the main ones and those commonly in use. Viewing these from their effect upon the human system, we are justified in making two physiological divisions, the destructive and the non-destructive. In this age when the laws of health are so thoroughly known to every one, it is not necessary to dwell on the effects of impure air and insufficient diet upon the

human constitution. Those who attended the Indianapolis convention will not soon forget Dr. Keene's magnificent paper upon the subject of food and ventilation. It is patent to all, that insufficient food and close confinement, the darker the cell, the worse the condition, must and does undermine the man physically. When we undermine him physically and mentally, we undermine him morally. In brief we bury the man and create the brute. Is this "A consummation devoutly to be wished?" And yet it is passing strange that those forms of punishment which inevitably have this one result, are the forms that are advocated by the sentimentalist of to-day. Every prison warden and surgeon knows that in institutional life there is a constant conflict with phthisis and nothing is more conducive to the progress of this malady than low diet and improper ventilation. In fact the chief treatment of this disease to-day is abundant nourishment and the purest of pure air. Every form of punishment which is conducive to the progress of this disease is, in our humble opinion, not only unjust but inhuman. A few years ago at a prison congress, one of our wardens in discussing this subject, said, "He could not bear to hear whipping mentioned, that he has never met a man he could not control by limited rations and close confinement". I have watched the reports of the institution over which this gentleman presides with some curiosity and I find that more than fifty per cent. of all of the deaths in this institution are due to phthisis. To say the least this is suggestive. In the destructive forms of punishment we place short rations, dark cell, withdrawal of privileges, and solitary confinement, for the simple reason that they destroy that which is best in man, and those very elements on which we have to build, if we hope to make him better. In the non-destructive class of punishment we place whipping and we place it alone. In my early days of prison work, I used cellular confinement and limited rations, though I thank heaven I never used a dark cell and I recall with regret the condition of men as they emerged from the punishment, dejected, sullen countenance, not changed in spirit, but enfeebled in body; until they felt the conflict too unequal. Their condition calls to mind the words of Milton:

"What though the field be lost?
All is not lost; the unconquerable will,
And study of revenge, immortal hate,
And courage never to submit or yield
That glory never shall his wrath or might
Extort from me."

Does such treatment improve men? Echo answers! Against this place the punishment of whipping; it does not undermine the man physically, mentally or morally, it does not rob the institution of his economic value. Any system of punishment which teaches the delinquent that his time is of no value, is in our humble opinion, pernicious. It changes the current of his thought as it were in the twinkling of an eye, and in ninety-nine per cent. of all cases it enables the delinquent to view life in a channel he has never seen before. We know that the one characteristic of the criminal is that he fails to respect the rights of others, he realizes now forcefully and it may be emphatically that he is compelled to respect their rights. It is argued by some, that whipping an adult is degrading, with this we agree. And so it should be. Any individual who wilfully persists in wrong doing should be degraded, and this perhaps illustrates the adage that "The human heart unlike everything else in the world is the better for being broken." We have no desire to make pets or heroes of these people, for it is not in the province of man to revoke the edict of God when he said, "The way of the transgressor is hard." I cannot better explain my subject than by giving two or three illustrations of the effect of whipping upon two or three different kinds of temperament that we so frequently meet with among delinquents. A. B., twenty-three years of age, bright, brainy, handsome young man, came into the prison to do a term and was recognized by other prisoners who had done time with him in other prisons where he had acquired the title of "Rock," on account of his adamant qualities in enduring long terms in dark cells and short rations, as these were in vogue in those prisons. His reputation gained some little currency in the institution and it was not long until he showed a strong desire to re-establish his claim to the title. Cautioning and advising him had but little effect; he made it plainly evident that he was determined to try conclusions with us. We whipped him and immediately returned him to his workshop with the tears on his

face. Ichabod was ever after written on his record, and from this time he was an exemplary prisoner. C. D., a different type of character, educated and shrewd, and constantly nursing a grievance against society, refused to work in a certain shop. After giving him a day or two to think it over, for we are free to admit it was one of those cases where we were not anxious for the issue, he still refused, stating he would die first and take others with him. We whipped him, after which he refused as persistently as ever. We then assured him, that he would receive a similar whipping one a week unless he returned to work, and he assured me he would never work. On the morning of the day when the second whipping was due, he expressed a desire to see me and capitulated unconditionally. In an experience of about seven years, with several thousands of men, we have yet to meet the case in which this punishment has not produced the desired effect. The regulations for applying corporal punishment in penal institutions should be carefully framed and thoroughly safe-guarded. It may be that injudicious use of this form of punishment in the past has caused an unfair prejudice against it to-day. Whipping should never be left solely at the discretion of one man. Where there is a prison inspector who has been sufficiently long in office to understand criminal character, the warden should always have his approval, the prison surgeon should invariably be present, any instrument in the shape of lashes should never be used and there should be a maximum number of slaps beyond which no authority can go. Where prison wardens are governed by boards of control, it would be unwise to give these boards too much power in such matters, for the personnel of these is constantly changing, and this is where the inexperienced sentimentalist gets in his deadly work. In punishing children, if it were known that they were confined in a dark cell or given insufficient food for any length of time, the authorities would interfere and dispute the right of the parent to do so. They would say if the child has done wrong, whip him but desist from the other. Strange is it not that the recognized forms of punishment considered most suitable for innocent childhood, is thought by some too severe and degrading for the adult criminal. "Oh, consistency, thou art a jewel!" The Good Book sanctions this method, for it tells us if "We spare the rod we spoil the child," while the frailties of poor humanity for the last six

thousand years have taught us: "We are but children of a large growth." Permit me now to digress for a little, while I make a brief reference to this form of punishment as applicable to juvenile delinquents. We believe in the indenture system as the best possible means of dealing with juveniles who might otherwise become criminals. We are in favor of trying the probation system and the suspended sentence, though our experience is that youngsters are very apt to play with the latter. When these fail and the child has a proper home to go to, or a foster home that can be provided, we are strongly in favor of the child being whipped by the direction of the court and returned to its home, rather than be consigned to institutional life. Every prison warden who tries to find the origin of crime must be impressed with the large number of recruits that help to fill our adult prisons who have previously been in juvenile reformatories; and what is still more depressing, the percentage of reformations among those who commenced in the reformatory is less than those who commenced crime later in life. It all goes to show that institutional life should be the last possible resort for a child and we believe that legislation can be enacted which will render it necessary to send but a very limited number of children to juvenile reformatories.

A paper by WARDEN D. W. BUSSINGER, of the Eastern Penitentiary, Philadelphia, was read, his subject being

THE CRIMINAL AND THE CONVICT.

For many years your honorable body has been discussing all sides of the question popularly known as Criminology. The desire has always been to put into practice the best means to punish the convict properly for the crime he has committed, and also to induce him to give up his evil practices and to return to his rightful position of respectability in society. All sorts of experiments in system, in discipline, and in prison architecture have been made with this end in view. These experiments have met with more or less success; but after we have said all that is to be said, after all our experiments have been tried, we are forced to own that our progress has been slow; and as yet the problem of Penology remains unsolved. However, we are not discouraged, nor can we be so long as the National Prison Congress is com-

posed of men full of the indomitable American spirit that never acknowledges defeat.

In presenting this paper for your consideration I am aware that perhaps its contents have been more ably handled by stronger men. But considering the subject of the greatest importance, not only to the student of Penology, but to the convict, and to society in general, I beg a hearing in the hope that you will find at least one new thought to help us on to a conclusion of the whole matter.

The subject chosen for your consideration is "The Criminal and the Convict." It is easy to see in the subject that the words "criminal" and "convict" possess, in the mind of the writer at least, individualities independent of each other. If you turn to your dictionaries you will not find this difference; there the words are synonymous. We never like to place ourselves on record as men opposed to authority, particularly where the definition of words is involved; but we would *suggest* that in the future these words be so defined as to put an end to the general misunderstanding of the character of our prison inhabitants. Whoever has had any experience along penal lines has sooner or later come to realize that there are two separate and distinct classes of persons confined in our prisons and penitentiaries. The one is the professional crook class which exists by systematic commission of crime, the other is that class of law-breakers who do not make a profession of outraging society. So distinct are these two classes that to a serious thinker the one word "criminal" cannot be logically applied to both. At the same time the word "convict" is meaningless when applied to the specialist in crime. To my mind it is just as true that many criminals never become convicts as it is that many convicts cease their evil career after their sentence is served for the crime committed. Here is just where the importance of the distinction between the words "criminal" and "convict" suggests itself. A "criminal" in the true sense of the word is a practitioner in crime, whether a convict or not. A "convict" is a man *convicted* of a crime but not necessarily a practitioner of crime to any great degree. A physician is a man who practices medicine, but every man who tells you that quinine and whiskey are good cures for malaria is not necessarily a physician. A theologian may be a preacher, but judging from many sermons we poor laymen must tolerate we are convinced that it does not of necessity follow that every preacher is a theologian.

Let us take, for instance, some cases which naturally fall under the ban of the law, so as to see how many men become amenable for crimes committed who after all at heart are perhaps as good as the average man. First of all, a young man of good family connections comes from the country to the city, and, lacking experience, he is unfortunate in choosing his companions. While in their company a crime is committed in which he takes part. He is convicted and sent to the penitentiary to serve a term of years. The young man is unquestionably guilty and deserves the punishment received. He becomes a convict, but is it not rather harsh to class him as a criminal just because of his first and perhaps only offense? Many a boy is guilty of an outrageous act of some kind, but would you condemn him as incorrigible? Would you not rather suspend judgment in such a case and reserve your final opinion until the boy shows signs of repeating such conduct? Then why claim that the inexperienced young man is a criminal because of his first act of wrong?

Sometimes men through over-indulgence become intoxicated, and while in this peculiar physical condition they are guilty of assault upon their fellows; or guided by companions more evil minded than themselves, are guilty of destroying property or of appropriating to their own use property not belonging to them. Their acts are unquestionably crimes, and if convicted they must pay the penalty of imprisonment. However, when they are sober, they may, like you, be strong in their condemnation of the very crimes they commit. Can we truthfully say they are criminals in the sense we understand that term?

We know that the business methods of some of our banks are built upon fictitious values, and that all sorts of illegal risks are taken in order to gain big advantages. It is said (I do not know how true the statement is), that there is scarcely a bank in the country that does at all times a strictly lawful business, and that such banks would not dare to let it be known what illegal risks they take in loaning and borrowing money. A man, we are told further, is more or less influenced by his environment. Many bank employes and employes in business houses find themselves very unexpectedly thrust into prison. Almost invariably we learn that they have been convicted of using the money of the business house or bank for purposes of speculation, that they might acquire more wealth individually. Their intention is always to return

the principal and retain the profits of their speculations. Is not this loose manner of doing business directly traceable to the environment in which they live? Their action is dishonest and a crime for which they deserve punishment; but whether it is just to label such men as criminals is a question. The writer is acquainted with many bank employes who have suffered imprisonment for embezzlement, but knows of no such person being convicted a second time on either the charge of dishonesty or for any other crime. Can we say with these facts facing us that such men deserve to be called criminals?

I know of cases where, owing to depression in business, men have been thrown out of work. They try everywhere to get employment and just as often are turned away. The struggle for honesty is bitter, and is kept up until money, food, fuel, clothing, furniture, yes, even the home, are gone. At last, out of desperation, a crime against person or property is committed for the purpose of supplying the common necessities of life. A man in such desperate circumstances soon learns the logic in the maxim that a man must live, and that to live he must have money—honestly gotten if possible—but if not possible, then gotten with the least risk. Such men are soon caught and sent to the penitentiary. They become convicts; but in the name of suffering humanity, my friends, would you call such men criminals?

There is a case on record of a young woman who was a bookkeeper in a certain city business house. She was the only support of the family. Her father was an invalid, and his condition demanded expensive treatment. The daughter could not afford to support the family and pay for the treatment of her father out of her small salary. In the moment of temptation she yielded and began to manipulate the books to her own profit, promising herself meanwhile that some day she would return all. But alas, she was discovered before that happy day came. She was forced to pay the penalty and served a term in prison. She was a convict, but I doubt if there is anyone present who can find it in his heart to apply the term criminal.

Many of the inmates of our penal institutions are young men between the ages of twenty and thirty-six. A study of the crime-causes in such cases reveals much that is interesting. Over and over again we are made to feel, judging from the facts in such cases, that the young men are undergoing terms of imprisonment

for crimes which are the result of the exuberant spirits accompanying youth. We know that they have made fools of themselves, but we cannot help feeling sorry for them; for while they are under our care we see enough of them to know that at heart they are all right. And when they leave us we know that they will set about, with a worthy determination to rebuild their reputations. Such young men are known to all of us, and it matters not how uncompromising we are in our opinions in other things, here we find ourselves hesitating to apply the term "criminal" to these jolly young fools.

The above illustrations certainly go to show that if we broaden the definition of the word "criminal" to mean one who commits a crime, instead of making the term apply exclusively to the practitioners of crime, we are in danger of placing many really good citizens on the level of the common crook. This, to my mind, is a palpable injustice, and you and I, my friends, cannot afford to be found guilty of such an error.

The next point to be considered is the effect of these terms upon the mind of the convict. If you are interested in the *reformation* as well as the *punishment* of a convict, and I take it that all penologists at least try to keep this point in view, you must bear in mind that your best auxiliary is the preservation of the man's self-respect. If you make him feel that by his first criminal act he has once and forever become a member of the criminal class, you have taken the most direct means of making a criminal of him, for you have killed his manhood. A man has no more use for self-respect when he can no longer respect himself. If once he loses his self-respect because he fancies he has lost caste, he is bound to become careless and will eventually drift into that class of society which, if he had been rightly taught, he could have avoided. It appears to me that this is a point which, if the members of the Wardens' Association would keep in mind, they would do well; for it often lies in your power, as heads of our penal institutions, to destroy the misconception in the minds of the convicts.

As bearing on this subject it is highly instructive to note the operation of the so-called "Berenger Law" in France. This law was passed in 1891 through the exertions of the senator whose name it bears. "In his studies of Criminology," says a recent number of *The Outlook*, "he had been impressed with the rapid

growth of crime in a country where the conditions of life are comparatively easy, and where religion, education, science, and art would lead one to expect something different. He gradually reached the conviction that the laws and the penal institutions of the land were in a large measure responsible for the increase in the number of criminals. It was hard to bring legislators to the support of a law resting upon such a paradox. According to the provisions of the Berenger law, every first offense not involving more than two years of imprisonment, has its penalty suspended and ultimately remitted provided the offender commits no new misdemeanor during the subsequent five years. The obvious purpose of this law is not only to save the culprit from the demoralizing influence of penal institutions, but also to interest him in his own moral reform. In the words of the senator, "it reawakens feelings of honor, reanimates confidence, resuscitates energy." It reopens for him a world of social possibilities from which he was excluded by former legislation. The law has now been in operation more than ten years, and has affected 230,000 persons. The number of cases of second offense, which formerly would have been forty-six per cent. of the whole, has fallen to 12,400, or five and four-tenths per cent. By this report it would seem that over forty per cent. have remained steadfast who, under the former legislation, would have drifted toward criminal life. This is not all. As criminals are largely recruited from families with criminal antecedents, by the action of this law the sources of criminal life are reduced and the country is saved from what would otherwise be a much larger progeny with lawless instincts. By the introduction of such a law the atmosphere of the courts, so skeptical in reference to the moral conversion of the fallen, is also modified for good.

Senator Berenger has recently introduced a new bill in the French parliament which contemplates a still wider application of the principle underlying the law of 1891. According to this, the law of 1891 is to be extended to cases not now covered by it, and is to be applied earlier. If an accused person confesses his guilt, the judge of instruction before whom he appears, and who examines the case, may under the provisions of the proposed new law, apply the law of 1890 without the regular public prosecution. "By so doing," says *The Outlook* again, "there would be added to the potent motive of right conduct, so efficient for good the last

ten years, another springing out of the natural dread of public exposure and shame during public trial. This would be a strong incentive to the offender, who in this way would hope to escape, in part at least, the blows of social ostracism, often severe and seldom just. It might also save many criminals from that hardening process which makes them at heart the bitter foes of social order."

Another point to be considered is the influence of the terms "criminal" and "convict" upon the minds of the public. A criminologist is one who is not only interested in the study of crime and criminals, but also in the eradication of crime. If he is true to his science he must confess that much of his success in removing crime from society depends upon the attitude of the public towards the convict. The public is made up of human beings, and human beings are bound to reach wrong conclusions and act accordingly if they start from wrong premises. We have a working illustration of this fact to-day. What is the reason that business men or men in any walk of life for that matter, hesitate to employ a man who has once been confined within the four walls of a prison? Is it not because of the confusion of the very terms under discussion? In their opinion the convict and the criminal are identical, and it is but natural that they should refuse to support or encourage a man of the criminal class. This misconception on the part of the public is far-reaching in its effect upon society; for frequently a convict after his discharge from prison desires to secure work of some kind as soon as possible so as to support himself in an honest way. He feels his degradation however, and is wise enough to know that if his prospective employer once learns that he is a discharged convict he is not likely to secure the desired position. In many cases his fears are only too fully realized; even after he has secured work and is proving his worth, the employer is informed by some mean-spirited individual of the man's former life, who acting on the impulse of his misconception of the terms "convict" and "criminal" dismisses without ceremony the poor fellow who is manfully struggling against what seems to him to be his fate. This same ex-convict tries other positions with the same results, until at last in deep resentment against an unjust and pharisaical world he renounces all claims to morality or respectability; and in the bitterness of his soul he wreaks his vengeance upon society

by becoming forever its enemy. Here we have the appalling spectacle of an ex-convict having the best intentions, converted into a dangerous criminal by the means of a misconception.

If the criminologist is interested in the eradication of crime it seems to me that he has not only to do with crime and the criminal, but in order to be successful in his undertaking he must also do much towards educating the public in the way of true conceptions, so that through the invaluable aid of all society he may finally harmonize all of the discordant elements and bring social order out of these chaotic conditions.

DISCUSSION.

CHARLTON T. LEWIS, LL.D., New York.—Although I am not a warden and perhaps have no right to the floor, I would like to suggest a question or two to the gentlemen who have spoken and are to speak, to which, if they will address themselves, I think they would be found extremely instructive and interesting to those of us who have come to learn.

The president's address this morning called attention to one great inquiry to which, it seems to me, not sufficient attention has as yet been given in previous sessions of this Association, the inquiry what, on the whole, and in general, is the effect of imprisonment upon the moral and the mental nature of the prisoner? How does it affect him? All civilized nations have practically done away with every other form of punishment except imprisonment, usually for fixed terms, but I do not know that there has ever been any satisfactory inquiry into the effects of imprisonment upon the human animal as a moral and intellectual being. It seems to me it would be extremely profitable if we could get the views of the wardens upon it. My own convictions have been for many years avowed, from observation, from the best study that I could give, that imprisonment is from its nature unnatural, that it is an unnatural life to lead; that the best preparation for social life among men is not to deprive a man of human society, but that the best means of fitting a man for usefulness in the world is not to paralyze his mental, physical and moral powers by placing them where they are not of any use for a fixed term. I believe that it is degrading and that on the whole it has a demoralizing and injurious effect upon a man and upon the moral

character of the greater number of those imprisoned. Apart from details, apart from all the particular things which are brought to bear on them they are by the fact of imprisonment itself made less fit for life, less fit for all their future.

I should like, after this masterly report to call out, to elicit, from these wardens, who have had long experience and observation, their views on the question. I do not ask for details. It is a question which might be carried to infinity, but on the whole what is your conviction with regard to the effects on the vast number of those who are sent into our prisons to-day? Are they not made less of men by the experience? Is it not degrading and injurious in itself? Is it not something therefore that ought to be avoided to the utmost extent possible?

JUDGE FOLLETT, Ohio.—The question is a very important one. My attention was called to another important question twenty years ago in preparing a paper for the Bar Association, of Ohio. We have the experience of Barwick Baker, of England, of Mr. Brockway, of Elmira, of Mr. Burton, of Wisconsin, of Dr. Mosher, who was superintendent of the Reformatory Prison for Women in Massachusetts, and of Mrs. Elizabeth Smith, of the Women's Prison, of Indiana, all bearing on the treatment of men after they go out from prison. A few months ago we had a practical experience in Columbus. A man who had been in prison became a successful business man there and he was so hampered by that fact that he had to come out for self-protection in the public prints and tell what his crime was, when it was committed. There has been a decision in England that if a man has been convicted of a crime, say of stealing, that after he has served his sentence and you call him a thief you are liable to be prosecuted, because he has paid his penalty. That is to my mind a wonderful position, if it can be taken properly. Now this man in Columbus who protected himself in that way had the handshake of many a man. Some years ago a poor boy who had been in prison went home to his widowed mother and secured employment with a farmer. A few weeks afterward his employer heard that he was a discharged convict and literally kicked him out. The fellow went off and voluntarily stole a horse and buggy on purpose to be returned to the penitentiary for he said that was his only home. Dr. Mosher said that she always told her women to frankly tell their employers what their lives had been, but Mrs.

Smith said that human nature is not up to that. Mr. Burchard, of Wisconsin, told us that that was the only way that they could recommend. The warden must make the convict believe that his crime will bring its own punishment. He must expect that he has got to meet that sort of thing and that no other course is possible save the honest truth. The chaplain of our penitentiary believes that one per cent. of all in that prison are innocent. Now if that is true, or if you take the theory that he was convicted when he was not guilty, or if you will take the position that when you have suffered the penalty you have paid for the crime and the warden has taught and the chaplain has taught and the experience has taught that the prisoner can go out and be a man, I believe that is the only way to go out of a penitentiary. We always advise a man to go back to his old home where he has been known and where people have known that he has been in prison and he will find that the easiest place to hold up his head and be a man if he goes back with the right determination.

MRS. JOSIAH LEEDS, Philadelphia.—I want to know whether it would be possible when men have been convicted of crime to treat them as sick men? Could a prison be considered a sort of a hospital?

WARDEN GARVIN.—What is the population of the penitentiary of which Dr. Gilmour spoke?

DR. GILMOUR.—Four hundred.

MR. GARVIN.—What was the number of deaths in the last four months?

DR. GILMOUR.—One, from heart disease.

MR. GARVIN.—Do you get first term men?

DR. GILMOUR.—Yes.

MR. GARVIN.—I am opposed to the lash. I do not believe in it. I do not believe in maintaining that kind of discipline in prison. We have had five deaths in Connecticut in the last four months, three of them from consumption, one life man and two term men. None of the three had ever been punished. One had been there eight years. The other two came in in such a condition that they went right into the hospital. I do not believe that solitary confinement with short rations undermines a man's physical or mental condition. I have tried both methods.

WARDEN BUSSINGER.—I thank Warden Garvin for what he says of solitary confinement.

Q.—What labor do they have in the Toronto prison?

DR. GILMOUR.—We have broom shops, turning out 2,000 brooms a day, a twine mill, with four tons a day; a wood-working shop where we make fifty-two different things and all kinds of novelties; sleighs, wagons for children, croquet sets, clothes horses, step ladders; a machine shop, where we do repairs for other institutions; domestic work, a tailor shop, laundry, shoe shop, green-house and a small farm. We try the gospel of work and try to make each man feel that his time is valuable. We are not trammelled by legislation. We have free scope for our industries and push them for all they are worth. We have in them the most up-to-date machinery, for we take the view that if these men are to be educated to useful pursuits we must keep them abreast of the times.

WARDEN WOLFER.—I listened to the admirable paper with a great deal of interest. The writer handled his subject very ingeniously and he made many very strong points. I do not want to go on record as condemning the punishment of convicts by the strap. I do not want to say that there are no conditions, no circumstances, under which it might not be given with some benefit, but I do wish to go on record as saying that I believe if it is admitted that that is a proper corrective method of punishment that it will lead to very much harm, much more harm than the good that could possibly come from it. I have inflicted punishment by the strap and I have done it a good many times, but I never did it in my life that I did not feel, after the punishment was over, that I had degraded myself and that I had degraded the man very much more. I believe that in ninety cases out of a hundred it injures the man physically and morally and I believe that it will not only break his spirit, which may be considered desirable under some circumstances, but that it will break his moral constitution to such a degree that he never will fully recover from it. The comparison with the treatment of children is ingenious, but a grown man who is responsible for his own acts is no longer to be treated as you treat a child, and I do not believe he can be so treated and afterwards look people in the face and feel that he can be a real man. As to the effect of solitary confinement I do not believe that when it is judiciously applied it undermines the health. Of all the cases of tuberculosis that we have had in twelve years I can not recall a single one where the

man has been punished to any degree. Men who are afflicted in that way do not require punishment. As a rule the prisoner who is obstreperous is a man who has a superfluous amount of animal vitality and it is true that you can take it out of him quickly by a blow. You can humiliate him, but it will not last long. As soon as his animal spirits return he will probably do the same thing over again. I believe that the effect, upon the whole, is bad and that the effect on the prison is bad. The atmosphere will breathe the spirit of brutality and I do not think it fair for the prison or warden to require such punishment to be meted out.

There is another point I wish to speak of in regard to the suggestion of Mr. Lewis as to the effect of imprisonment. I believe that as a rule imprisonment tends to weaken a man both physically and mentally unless the system employed insists on the greatest pains being taken to exercise the convict's physical and mental capacity. Properly organized the men may be strengthened and I believe many are.

CHAPLAIN MADDOCK, N. J.—What are we to do with criminals if we have no place for punishment? I have been connected with prisons, both in juvenile departments as well as in adult prisons for a number of years and I have come to the conclusion, from my experience and from my conversation with many prisoners, that imprisonment in the main is good for those imprisoned provided care has been taken by conscientious wardens and chaplains. In New Jersey the law gives the chaplain the right to give commutation of time for good behavior, for improvement in morals and excellence in department work. The men naturally seek to ingratiate themselves with the chaplain in order to have the commutation of time and they make all manner of professions. I receive them as though given honestly. I never discount them, but I watch those men carefully who make them both before and after they leave the prison and I can truly say that there are conversions in the prison sometimes, but the fact of conversion is only proved by the life after they leave the prison.

In regard to the paper by Dr. Gilmour, I suppose that I shall antagonize almost every one when I say that I heartily agree to it; I mean in regard to whipping. I have said before that any man that will beat a woman ought to be beaten himself and in regard to prisoners I have found men where kindly treatment was of no use and the dark cell made them worse. Cutting off rations had

the same result. It is very well to have a theory, but when you come to the practical working it is very different. Men who go into a prison once in five or ten years theorize about it and men who never go into a prison, but who write works on psychology, theorize about it. If they would come in contact with these men for a little while they would learn a different lesson. I do not believe in cruelty, but I believe there are cases where men should be whipped and the administration of such discipline in nine cases out of ten is beneficial. They are so deficient in mental power that there is no mental suffering in such men, though they do not like the physical pain.

REV. DAVID JUDSON STARR, Chaplain of the Ohio State Penitentiary.—A word might be said about the discharged prisoner. I do not propose to discuss whether more are killed by fasting or over-feeding, but all the world is against the discharged prisoner. Within twenty-four hours I have seen three discharged prisoners all of whom had received good positions, good wages and were respected. These men did not conceal the fact that they had been in prison. Neither our warden nor the chaplain encourages any man to conceal the fact that he has been in prison. A man went to Cleveland to apply for a place where there were twenty applicants. He said frankly to the employer that he supposed he should have no chance as he had been in the Ohio penitentiary, though he had determined to be a good and honest citizen. The employer replied, "I shall give you the place though you *are* a discharged prisoner because I am determined to give you a chance to show that you are a man."

SUPERINTENDENT SCOTT, Concord Junction, Massachusetts—This discussion on punishment has been going on so far as I am concerned for forty years. My father never struck me a blow. My mother used to punish me. I learned to respect and obey both my father and my mother. To any person engaged in prison work the matter of punishment is a source of anxiety. I have tried in my own humble way to look at this in a philosophical way and have tried to develop some method of punishment that would maintain discipline in my institution and satisfy my own mind in regard to it. I believe the severer you make punishment the more you arouse antagonism to withstand it. Take a man and flog him, or put him in a dark cell, and he takes on the attitude "I will stand this as long as I can", in a spirit of bravado. When

he goes back to his work in that attitude the effect is bad on the man and bad on the rest of the prison. About four years ago when my men were assembled together I took up this matter of punishments with the prisoners in this way: I said to them, "You have been sentenced to the reformatory, to be kept here not because the community desires to punish you for the offense you have committed but you have shown yourselves dangerous and they have a right to protect themselves, and so they confine you in an institution. You find another community here. We, too, have our rules and regulations which stand in the same place as the laws of the state which you have broken, and you can enjoy the privileges of this community so long as you obey the rules and regulations. When you infringe upon them our duty is the same as the duty of the community outside that sent you to this institution. You will be separated from the community. I shall put you into a cell with air and light and there will be running water in it and a bed in it. I will send you three meals a day while you are in that cell and you will work while you are there and there you can remain until such time as you cease to be a danger to this community. It may be a day, a week, or a month, just as long as you choose to make it. It will not undermine your health; there will be a chance to exercise and for bathing. I believe that that is a humane way to treat you."

I come to you after four years' experience with this method and give you testimony that we do not have any more punishments, and our men do not remain any longer in punishment, than they did when we had the solitary cell and bread and water. We abolished the dark cell not because they were dark alone, but if you put a man in a dark cell he will lie on his bunk and sleep all day, and he will stand that sort of punishment longer than he will confinement in a light solitary. The darkness for a certain period is not injurious, but taking away food is injurious. And the same man goes back again and again. Shutting him up does not change the man; whipping does not change him; he is the same man. I have whipped and I have shut up on bread and water in dark cells and I have shut them up in light cells, and now after four years of this method I can say that there never was a time in the history of our place when the general atmosphere was so good as at the present time. We have got rid of the sullenness of a place where you administer severe punishments. The attitude of

the men toward the administration is very different from what it is where men are flogged and locked up on bread and water in a dark cell.

MR. F. J. POOLEY, Agent of the Philadelphia Prison Society-- If I were the warden of a prison I would say to every man as he left the prison "Good bye, and God bless you." Those words would linger with the man. My duty takes me to the cells of the men in prison, and I was glad the other day as I was at the penitentiary, to hear the warden say to a man, "Good bye, don't come back." Will that man forget the words, "Don't come back?" No. You do not forget the man who speaks kindly to you. Be kind in your duties as wardens, be kind.

WARDEN OTIS FULLER, Michigan. — Dr. Gilmour has expressed my sentiments. We have two forms of punishment. When we want to cater to a misinformed public sentiment we use the dark cell and semi-starvation. When we want to accomplish results and do it quickly, we use the paddle. Instead of speaking myself I would like to hear from MR. MUSSELMAN, of the Board of Control, Michigan.

MR. AMOS S. MUSSELMAN.—I am a kindergartner on the subject of penology. I have been on our board only three or four years, and I must say that my views as to the method of treating prisoners has changed considerably since I became a member of the board. I have been intensely interested in the papers this morning and in the remarks that have been made, but I am somewhat confused, because when doctors disagree, as they do here, it is pretty difficult for a layman to know where to stand. I believe those who take the opposite sides are not so far apart. Some of you have perhaps been led to one extreme by the sentiment that prevails in your community and the others probably have been led to the other extreme by the sentiment of their community. In all important questions there is a golden mean. I believe the gentleman from Canada has expressed the thought that sooner or later you will all come to see what is true. Crime is crime and has been since the foundation of the world, and calling it by any other name does not change its complexion. Crime calls for punishment. If you break the laws of your physical being you must pay the penalty and no sentimentality can change that fact. The man who violates the law of the community must suffer for it for his own good, because out of suffering he

may grow to be a better man. I believe that the wardens of our prisons ought to be men who have a great love of humanity, for otherwise they are hardly qualified to handle these men, many of whom are abnormal.

WARDEN DARBY, Columbus, Ohio.—We have a variety of punishments in our institution. I believe that corporal punishment should be administered only in extreme cases and yet I believe that there are extreme cases where it is the best thing possible. I believe in being firm and kind. As to the effect of imprisonment my experience has been that many men come out of prison better men than when they went in, and that they go out feeling that they have a right to live in the world so long as they behave themselves. I try to instill that feeling into our men and it has a good effect. I have received letters from hundreds of men after they have left our prison. I never let a man out without saying to him, "Don't ever come back, only to pay me a friendly visit." I have had men write to me that it was not the fear of punishment, nor the punishment itself that made them better men, but the good advice and kindly treatment that they received in prison that changed their whole lives. I do not believe that you can make a good man out of a bad man by punishment.

You can make them *behave* well for a little while, but you can do more by talking and advising kindly and that lasts longer.

And you can not treat them all alike, any more than the doctor can treat all people alike no matter what their illness. The more you can get at each individual man the better. I do not object to any one who can get on without corporal punishment; the more you can get on without it the better, and some can, who have charge of only three or four hundred men. But where you have 2,500, from all classes and from all the states in the Union, as we have in Columbus, it is not so easy. I believe in humanity as much as any one, but I think Dr. Gilmour's paper has common sense in it.

MR. GARVIN asked that MR. BAKER, of Auburn, New York, might be asked to speak.

MR. BAKER.—We have had some experience in this matter. In the period from 1891 to 1895, during the first part of the time we used the paddle. The latter part of the time we hung men up by the wrists for punishment. In 1895 we abolished all that kind of punishment. Since that time we have used nothing but the

dark cell and limited rations. The decrease in the number of deaths in the last period was less than that of the former period by one per cent. That would not seem to indicate that the dark cell produced tuberculosis. I do not think punishment had any thing to do with it one way or the other. We improved our sanitary conditions and our dark cells also.

MR. W. P. LUPTON, of Pittsburgh, Pennsylvania.—I am a representative of the Morganza Reform School. I have been surprised to listen to the aspersions against reformatories. Dr. Gilmour said that reform schools were the preparatory department of the penitentiary. That may be so in some places, but not in Morganza. We have Morganza boys who occupy as exalted a position as any one in this room.

DR. GILMOUR was asked to close the discussion.

DR. GILMOUR.—All that I have ever heard about Morganza coincides with what the gentleman has stated of that institution. When all of our reformatories come up to that standard then my remarks will not be appropriate. I am only saying what has been the result of my personal experience, that we have in our adult prisons too many who have been in juvenile reformatories. When those boys are massed in institutions the stronger mind prevails and we have the results in later life. Wardens Wolfer and Garvin say that they do not think confinement in dark cells predisposes to tuberculosis. I refer them to Dr. Koch's, the leading specialist on the subject of tuberculosis, who read a magnificent paper on this subject at the National Conference of Charities and Correction, in Detroit last June. Will a layman dare to put his opinion against Dr. Koch's? I practiced medicine sixteen years and I would not dare to do it. Insufficient food and imperfect ventilation predispose to tuberculosis and I do not believe any one should be subjected to it.

The following letter from MAJOR R. W. McCLAUGHRY, warden of the Federal Prison at Fort Leavenworth, Kansas, was read:

FORT LEAVENWORTH, KANSAS, September 4, 1902.

Mr. John P. Lytle, Philadelphia:

DEAR FRIEND:—I am sorry to advise you that because of the great pressure of public business here, I will not be able to attend the next Prison Congress. I had counted greatly on attending the meeting in Philadelphia, for I know what a royal greeting the delegates will receive, besides, I wanted to reciprocate, in a small way, your kindness in coming out to the meeting at Kansas City last fall, and I am quite disappointed that my way is hedged. I trust that you will have the best meeting that has yet been held. I *know* that the visiting delegates will have a most enjoyable time.

May I trouble you to convey to the delegates, one and all, my kindest regards, and my sincere regrets at my enforced absence.

Very truly yours,

R. W. McCLAUGHRY.

LIEUT. COLONEL A. G. IRVINE, warden of the Manitoba Penitentiary, Stoney Mountain, Manitoba, sent the following telegram, which was read by the secretary:

Rev. J. L. Milligan, General Secretary National Prison Congress:

I regret extremely that am unable to attend Prison Congress. Hope if all goes well to be with you next year.

A. G. IRVINE.

Adjourned at 12 M.

THE CHAPLAINS.

The chaplains held informal reunions on Saturday. On Sunday morning at 9:30 they held a meeting in Parlor C of the Continental hotel. After singing and prayer, experiences were interchanged. One of the chaplains reported unusual success during the year in persuading prisoners to the reading of the Bible in their cells. Another spoke upon the peculiar value which he thought the Scripture reading often had as a part of the service in the regular chapel Sabbath meeting. He believed that if the Scripture is read sympathetically, if the soul of the reader goes into the reading, the reading of the Bible itself may be made very effective in public worship. He would not have it read after the style of a professional reader. He did not believe the same man read the same Scripture twice, at different times, giving exactly the same accent in exactly the same places. But he would have it read as earnestly and with as much heart as the sermon itself, if that be preached from manuscript. Others reported other cheering features of the year. CHAPLAIN PLUMER, from Maine, present for the first time in Congress, gave a very strong testimony, after a dozen or fifteen years' service, to what could be done by a patient, faithful, and consistent chaplain to help men in prison.

CHAPLAIN STARR, of Ohio, testified to the importance of genuine conversions and believed it just as reasonable to expect them in the prison as anywhere else.

Regrets were received from CHAPLAIN MENDENHALL, of the Michigan reformatory, present with us the year before but detained from the Congress at this time. Other reports were given from other absent chaplains, and the meeting closed with singing, in season to join the procession to Holy Trinity church.

EVANGELISTS.

On Monday morning, at 8:30, the early meeting in Musical Fund Hall was conducted by the chaplains. It was opened with devotional services, and by the recitation of Scripture passages around the room once or twice. Time was given for one or two who had especially asked an opportunity to present some special subject.

MRS. SARAH J. FLOWER, missionary and prison evangelist from Lincoln, Neb., read a memorial setting forth the services that prison evangelists may render in the prison. She represented therein others at home who were interested in her coming to Philadelphia, and bringing the message. She said in part:

Our penal institutions should be penal missions or sanitariums for the healing of the soul. They should be exempt from the influence of politics, not having officers chosen because of political affiliations, but because of their fitness and zeal in uplifting the degraded.

Every chaplain should be pre-eminently a man of God, such as Stephen, Philip and Paul, filled with the Holy Spirit and faith, well versed in Scripture, relying upon it, and able to apply it as the Sword of the Spirit. If God sends us to the prison to labor, He will go with us and prepare the hearts of those to whom we go, for he says, "Without Me ye can do nothing."

It is a great mistake to expect human machinery, however perfect, to take the place of God's prescribed method of reformation. God's method begins with conversion. Without this there is no genuine and permanent reformation. Man looketh on the outward appearance, but God looketh on the heart. We should not make the criminals feel that they are simply objects of pity, nor that their crimes are against man only, but against God. We must encourage them to believe that they may find grace to help in time of need, and in the loneliness of the cell the comfort of the Holy Spirit.

MR. E. FREDENHAGEN, president of the National Helping Hand Society, of Topeka, also presented substantially the same topic, which was referred to a committee, who request that the following question may be given a place on the program at Louisville in 1903: "The relation of the work of the prison evangelist to that of the prison chaplain". One of the ladies who was present, and who spoke earnestly from the floor, maintained that while everyone who goes into the prison should be called to the service, a woman may be called just as really as a man. Especially in a woman's prison a woman may have a special advantage for addressing the prisoners, as a man may have in a man's prison. Another, alluding to the congress badge of this year, which was a medal with the liberty bell struck upon it, wondered when we should hear that other bell strike, proclaiming that the Gospel was really preached in power in all the prisons of the land. The meeting was closed as soon as President Henderson was ready to take the chair for the regular session of the forenoon.

MONDAY—AFTERNOON SESSION.

THE CHAPLAINS' ASSOCIATION.

At 2:30 the regular public session of the Congress ~~was called~~ to order by PROFESSOR HENDERSON, who ~~introduced~~ REV. WM. J. BATT, president of the National ~~Chaplains'~~ Association, and asked that the ~~chaplains would~~ conduct the service in the afternoon as the session in the morning had been conducted by the wardens. All present were invited to take part in the deliberations. After prayer by DR. GENUNG, chaplain of the Wethersfield, Connecticut, prison, and singing, DR. LOCKE, chaplain of the Ohio state reformatory at Mansfield, was first called.

A NEW FORCE IN THE PRISON.

BY CHAPLAIN LOCKE.

A New Force in the Prison is a convenient title for what I have been invited to say to these brother chaplains, and our sympathizing friends. The opinion, which seems to prevail every where, is not in harmony with this title. It is the thought that every applicable force has already a place in prison, and to suggest any other is far from reassuring. A prison could not exist without force. The elements which make a prison a necessity, create a demand for force, either compulsory or repressive. These elements must be eradicated, if possible, but suppressed at all hazard. Every force that is used in prison has but one end, the suppression of the evil man. Say what you will, the prison factor is not an easy one to deal with. But the new force which waits to make its advent in the prison, and among evil men, carries with it no keen edge of discipline. It suggests no stronger cross bars; it means no agonizing of the poor body of the criminal, that you may crush the imperious will; no terrorizing of the unsubdued soul of the man.

We are conscious, as chaplains and teachers of morals, that the prison is in one of the crises of the social evolution which is yet to make crude things anew. Questions which were but

yesterday social questions, or civic questions, are now moral questions. Mr. Hanna, at a recent western Chautauqua, said that labor strikes were causeless and unnecessary; and that the Golden Rule is the solvent of the whole question which disturbs capital and labor. It is not the apprehension of this conclusion which surprises us, but rather the serious and unqualified expression of it.

Three papers were presented to the Prison Congress in Kansas City, which give great distinctness to the evolution of thought of which we are here taking note. The writers of these papers are clergymen, but not prison chaplains. That they should all have a place on the program at the same meeting is significant to us; but the deliverances of these gentlemen are yet more significant. Dr. Hopkins spoke of "What may the prison expect of the church, and what may the church expect of the prison." Dr. Smith spoke of the "Psychology of Crime," and Dr. Barrows spoke of "Jesus as a Penologist." I do not need to speak of the thoughtfulness of these papers, nor yet of their scholarly superiority, any further than to call attention to them. But we may speak of these papers as marking the crisis which has come to the prison, and as emphasizing the demand of the growing public conscience for a new force in its management.

It will not be improper for me to say, after six years of meeting with the wardens and superintendents of the prisons throughout the land, and after hearing them discuss the various phases of the management of these institutions, that there has been gratifying progress in all humane methods, in conscientious administration and in the betterment of the physical condition of our lapsed brothers and sisters. Schools of letters, trade schools, military drill, dietary regulations, hygienic requirements have changed prisons, not into palaces, to be sure, but into something better, into places habitable for men and women made in the image of God, and who are not yet forsaken of Him. If it is only the physical man that we are after, these wardens and superintendents are on the right track; and it would be difficult to conceive where the additional force was to originate, or how it could be applied. And yet the demand of the hour is for a new force, a force that will meet the wants of a man who has a spirit, as well as a man who has a body, a spiritual force.

There is a disheartening notion entertained in some quarters about young men in prison. They are pronounced hardened in crime, unresponsive to good influences, unsusceptible, ungrateful, unreliable, treacherous, cruel. There may be some young men of that kind in prison. I know there are a good many of that kind of young men out of prison. But that photograph of the ugly features, taken for the man behind the bars, is not a good likeness of all of them. Human nature, in prison and out of prison, is one and the same. A boy, eighteen years old, receives letters from his mother addressed to Johnnie Lincoln; and when he writes back to his mother he calls himself Johnnie. Could you make that mother believe that the walls of stone, which now separate her from her son, have changed her Johnnie into anything else than the tender hearted and loving boy she has always known him? Nor is he changed. His mother is altogether right. He is her same Johnnie. When it is so readily believed that spiritual forces may be introduced among every class of men to save them; and men and women are ready to endure the most loving sacrifice of personal ease that these spiritual forces may be given a trial, why should doubt and disbelief pitch their camp only around the prison?

Quite recently I listened to an animated discussion of the "Social Settlement" movement. A family of conspicuous gentility, consisting of father and mother and a young daughter, had gone from a home of many comforts, to abide with the desolate and forsaken in the submerged districts. The philosophy and the philanthropy of such a movement are both excellent. The slums are not the places to rear citizens of a great municipality. "You can not live like a pig and vote like a man," says Mr. Jacob Riis. Such a movement, for civic betterment, is like the opening of the window of an infected room to let in the fresh air. It is like cutting a thoroughfare through the bad lands of the city and turning in the sunlight on the squalor of sin. But it is evident that the Social Settlement is not the force demanded in the prison.

Lombroso asked a Scotchman this question: "What makes so much crime in Scotland?" and he got for answer this pert reply: "Some of us drink more than we ought." The authorities of Cleveland have at last discovered that drink is the one element which keeps the city workhouse overcrowded. It is not the criminal propensity that leads to drink, but it is drink that creates the criminal propensity. Would it be the part of wisdom, it is

asked, to introduce into the workhouse the drink cure? One writer says, "There are cures for the drink disease, and men and women have had the curse lifted from them; but the man who goes from a drink cure without having undergone a spiritual change, will stop at the first saloon. There is no drink cure that can give a man a new brain and a new heart. No human means can make a man when the essential materials are wanting. There must be a foundation of manhood to work upon; for the vitalizing must be spiritual as well as physical."

The social reformer welcomes all agencies in the regeneration of man. He is too intent on grasping the final result to fall out with the means by which it is reached. Neither is he so likely, as some others, to mistake what are only the prophecies of the force after which he seeks, for the force itself. The flashes in the sky may be heralds of the dawn, but it is not yet day. The new force which the crisis that is now upon us is demanding, is a spiritual force. It is insisted, with the earnestness of a profound conviction, that the Gospel of Jesus be admitted into the prison as a remedial force. Wherever it has been tried, it has saved men, whether in the slums of poverty, or in the habitudes of sin. Open the prison doors to it. Let it be heard to speak, in corridor and in cell, its mighty personal appeal to the heart and conscience of the individual as a force which converts. Let it be offered to the man darkened and crushed and hopeless, as a power in his life to regenerate him and bring forth a new man.

You will not understand me as saying that there is no Gospel in the prison, and that the Spirit of Jesus is nowhere felt in corridor or in cell. The guarded gateway is not closed to the presence of the benign Gospel of love, and though no uttered word may be heard, the silent cell is not always a prayerless cell. As it seems to me, the island, "in the sapphire sea," where Agassiz, the master, prayed, was no fitter setting for the silent prayer than the prison cell.

"Lapse of wave and cry of bird
Left the solemn hush unbroken
Of that wordless prayer unspoken,
While its wish, on earth unsaid,
Rose to heaven interpreted."

I do not know that the day ever was when the Gospel was excluded from the prison. But, surely, there never was a day when that spirit was solicited to come, as a regenerating force, with an intenser earnestness than this day.

Mainly, my brother chaplains, this new force is committed to you and to me, and we must bring it into the prison. Mainly, I say; but not wholly. Wardens, superintendents, managers and guards, may not be dismissed from all responsibility. One is our Master. Our ears are attuned to the same key. It is His voice that we hear in the aroused public conscience; in the crisis which is upon us. Whoever can roll away barriers; whoever can open closed avenues, through which the dynamic of the Gospel of love may come, must step into line. The benign Spirit of Jesus is no longer regarded as weak, and only weakening to prison administration. Tenderness is not any more a flaw in wholesome discipline. The stern and harsh keeper is not the only righteous keeper. The just judge is also the merciful judge. But while the appeal is to each one, whatever may be his place or his power, it belongs to us, my brethren, to bring this new force into the prison.

Whose mission is it, if it is not the chaplain's mission? Who must answer for its absence more than he? A little chatterbox sat on her father's knee chattering away like any magpie. "Where were you born, papa?" "In Boston, my dear." "Where was mamma born?" "In San Francisco, my pet." "Where was I born?" "In Philadelphia, my darling." "Isn't it strange, papa, how we three ever got together?" The Spirit of Jesus, in its power to regenerate, and the human heart that knows of the regenerating power, and that other human heart which does not know of it, and is miserable in its ignorance, are the separated and divergent units that must be brought together in prison in this new force, and we, of this Association, are mainly to do it.

A suggestion offers itself that it may be worth while to consider for at least a moment: How far is this force affected by the medium through which it comes? Is it possible to conserve the energy of the force, or to dissipate it, by some qualities which the medium possesses, or which it does not possess? The personal accomplishments of the chaplain are not under discussion. His manliness is conceded; his conscience and his integrity are in his calling. But, truly, he must have a profound belief in his mission.

He must have an enthusiast's faith in the force which he brings—that it will work its way, and do its work. Least of all will he be superficial in his estimate of the unregenerate man. It is not heredity which he sees; it is not environment. It is a depraved human heart. The dear old woman, it was, who said that total depravity is a very good doctrine, if it was only lived up to. The unregenerate man is depravity lived up to. The man whom the chaplain meets on the corridor, and to whom he talks in the cell, is the sinner, and the man to be accounted with, and not the man in his grave a score of years. It is to him that he comes with a new spiritual force, and he must have a profound faith that what he is deputed to bring will work its way through all depravity, and through all degeneracy, and that it will find out the sunken and the submerged man.

But the chaplain must go further. He must have faith in the *man*, the submerged *man*. In such a faith he may be singular, and many times may stand alone. But he must be able to stand alone. What do the sheltered and protected ones, who never saw "the other side of life"—

"Virtuous by accident,
Only strong for lack of test."

what do they know of the struggles to rise of the undermost man? The chaplain is bound to be an optimist. "Every human heart is human." He must be hopeful though everyone else is hopeless. He must keep his faith though all the world is skeptic. His patience, his sympathy, his compassion, must be like the Divine compassion.

"While sin remains, and souls in darkness dwell,
Can heaven itself be heaven, and 'look unmoved on hell?"

The qualities of the medium, may, indeed, conserve or dissipate the force which it carries. The conducting wire is not the electrical current; but it has something to do with the message which fills us with peace, or leaves us overwhelmed with fears.

The new force in prison is not an experiment. It is the power of God. It has in it the contact of human brotherhood. "About midnight Paul and Silas were praying, and singing hymns unto God, and the prisoners were listening to them." Wherever, in cloister or in dungeon, the witchery of the human voice, through song, or prayer, or good tidings, gains the outward of the ear, the highway to the citadel of the heart is wide

open. It is the contact of human brotherhood. A new force came into that Greek prison—a "Social Settlement" of holy lives—the dynamic of *Love*. It took the added earthquake to move the stolid keeper. But the listening prisoners, quieted, dispossessed, conquered, yielded up broken hearts. And yet the gaoler, nameless through all time, but whose whitened soul shines out like a calcium light in a dark place, heard, and felt the touch that heals.

Courage, brother chaplains, the new force in prison is not an experiment. Let me read you these lines written by Sam Walter Foss, and so close:

"Are you one of my gang?
Yes, you're one of my gang.
The same job is yours and mine—
To fix up the earth,
And so forth and so forth,
And make its dull emptiness shine.
The world is unfinished; let's mould it a bit
With pickax and shovel and spade;
We are gentlemen delvers, the gentry of brawn,
And to make the world over our trade.
And I love the sweet sound of our pickaxes' clang;
I'm glad to be with you. You're one of my gang."

REV. DAVID JUDSON STARR, D.D., chaplain of the Ohio penitentiary, at Columbus, was next called, and delivered an interesting address on

PRISON MANAGEMENT, AND THE CHAPLAINS' OPPORTUNITY,
from which we extract the following:

The prison is not a desirable social institution. We do not have prisons from preference, but from necessity. Prison management, therefore, is first to keep men in safe confinement who would otherwise be dangerous and hurtful to society. But the ultimate end of prison management is to make prisoners useful members of society. The question, "Can this be done?" is no longer asked. It has been answered a thousand times by ex-convicts who have risen, not only to respectability and success for themselves, but to positions of great honor and usefulness in society as inventors, mechanics, merchants, manufacturers, physicians, legislators and clergymen.

To accomplish this most desirable result, helpful and practical employment is necessary as a preparation for life, as well as for support. Idleness will not contribute to good citizenship.

Intelligence is another requisite. School privileges, and reading matter should be liberally supplied.

Kindness should blend with firmness in the treatment of prisoners. The first necessity is to keep the prisoner securely. The escape of Harry Tracy, and his death-dealing career have demonstrated the value of the prison in the protection of society. Next to keeping the prisoner securely, is to treat him humanely. Good and sufficient rations should be supplied. Economy of expenditures is not the controlling factor, but if it were, then sufficient, and healthful food is cheaper than an ill-nourished and sickly prison population. The best government in the prison, as in the family, is that which is permeated with judicious kindness.

There must be government, and there must be punishment, as there must be surgery, but prison punishment should be so administered, if possible, as to leave the impression that its ultimate object is the good of the prisoner. Sometimes the most effective punishment is by deprivation rather than by flagellation. I have the satisfaction, as many of you have, of being connected with a prison the beaming kindness of whose administration irradiates every cell, and work-shop, and we have no prison demons in the Ohio state penitentiary. The law of kindness is now strenuously advocated as a solvent of the troubles that prevail in the industrial world, as well as in prisons. Senator Hanna has recently said, "The civic federation is trying to establish absolute confidence between employer and employe. My theory is that if you bring men together in a way to make them know each other, and if you appeal to the head, and heart, you establish a bond between the two factions that cannot be broken". This "Royal Law" is found to be effective in prison administration, and it will ultimately prevail in the realm of commerce.

But *moral*, and *spiritual* helps of the most simple, direct, and efficient character must be supplied, and applied to the prison population. Here is where the chaplains' opportunity lies. Heredity and environment are as inseparable as were the Siamese twins. Environment is both the child and parent of heredity, while heredity is both the product and the producer of environment. After all that may be claimed on the subject of heredity, it remains a universal fact, that no child is born a criminal. Crime and guilt are not transferable. If men are unmade, they can be remade. The two greatest words in the chaplain's vocabulary are *Regeneration* and *Salvation*.

The chaplain's part of this work is to win the confidence of the prisoners if he can. Some of the ways in which he may do it were described. Kindness is a great moral mendicament. It is ever true that "the soul of improvement is the improvement of the soul."

The question is sometimes asked, "Can the character of prison converts be relied upon as genuinely changed." We answer, "Yes! if they *are* genuinely changed." All depends upon that. Professions and appearances are as misleading in prison as outside of it. There are no hard cases with God.

The sow that was washed may return to wallow in the mire, but if she be changed into a sheep she will not.

In illustration of this part of his subject, and by special request CHAPLAIN STARR related his experience in

THE CONVERSION OF RICHARD GARDNER.

Richard Gardner was brought into the Ohio penitentiary for electrocution. He was black, inside and out. He was sullen, depraved—intelligent only in gambling and other vices—the product of slavery, the saloon, the gambling den and the brothel. Gardner said that beads could not atone for blood, that sermons could not change his heart; indeed, that nothing could. But, little by little, he became interested in reading with the chaplain, the New Testament story of the life, death, and resurrection of Christ. Later he would kneel in prayer; then it was said of him, "Behold! he prayeth."

The Lord loves to administer the affairs of his own estate. The Holy Spirit became the executor of grace to Gardner, and he was made a new man. The evidences of it were as clear as day. Men a thousand miles away may question Gardner's conversion, but men about the prison did not.

Gardner was deliberate about what he did, but days after his conversion his lawyer came to see him and brought him word that he had a decision for a new trial, that the feeling against him had changed, that he never would be electrocuted, and that he had a fighting chance for acquittal. The look and conduct of Gardner in that hour cannot be forgotten. Richard Gardner said, "I thank you, but stop it all now. You must go no further. I do not deserve any new trial and, you must do no more." "This is no

time to stop," said the lawyer, "I have a prospect for a good outcome. I will save you from electrocution, if I do not clear you."

When his attorney had gone Gardner sent for Chaplain Starr, and said, "Chaplain, I have a duty to perform, and I must do it now. It is a hard task, but I will do it, and God will give me strength to carry it out. Will you write me a letter? It is to the parents of the girl I killed." Then that black man dictated a white letter. It began with his own unworthiness to speak of sympathy for them, because he was the cause of their sorrow. Then followed his confession of a crime which he described as "the worst that could be committed on the top side of the ground." Then he told them he had forfeited his right to live on the earth, and of his willingness to go to the electric chair and lay down his life for the life he had taken, and if it would be any satisfaction for them to do so, he would request to have them admitted to see him electrocuted. He could not venture to ask them to forgive him his deed, but begged them for their souls' sake not to cherish an unforgiving spirit, as all must forgive as a condition of God's forgiveness. Then, when he had signed this writing, he asked the chaplain to carry the letter in person to the distressed parents, as his first confession was due only to them.

I executed my sad trust, and went to their home for the purpose.

When I had returned and reported to him he said, "I am sorry to displease my lawyer, but I must please God and do right." Then he sent for the warden and made an official confession of his crime in writing, and it went out to the world. Gardner's heart was penitent, humble, and tender as that of a child. His cell room seemed ablaze with spiritual light, and his black face beamed with inward peace. His confession of sins, and his religious advice, modestly given, to guards, sheriffs, wardens, and visitors was very sincere and effective. His death cell was like a chapel to all who came. Cards had given place to Bibles and cigars to songs. At length the hour of electrocution came. The knee was bared for the current, and the crown of the head cropped for the electric volt, but Gardner was the most peaceful man in the prison. He walked unaided into the death chamber, which was hushed as for devotion, for God's Spirit was upon the people who were there, and every one of them felt and acknowledged the touch of His presence.

Such a scene was never witnessed in the death chamber before. It was as a house of prayer. Gardner halted a moment at the stool of the electric chair, deliberately opened his Bible, and with a quiet, but impressive voice, read Matthew 5:43-45. It seemed an inspiration, and fell like distilled grace upon the silent audience gathered to witness his death. He then handed the Bible to the chaplain to be sent to his sister in Florida; gave his good-by hand and thanks to the chaplain; spoke his good-by and thanks to the warden; bowed his adieu to the company with a peaceful and kindly look, and placed himself in the chair. Then spoke the warden, "Richard Gardner, have you anything to say?" Gardner's lips moved. The room filled with the sound of his voice saying "God is love." With these words on his lips his earthly life expired.

The reporters who were present were amazed at what they saw and heard. The reporters could not interpret the phenomena by any material philosophy. They knew nothing of natural law in the spiritual world; the natural man understandeth not the things of the spirit. They could neither deny nor account for what they saw. The New York papers the next day contained accounts of the mysterious affair. The *New York Journal* had striking headlines: "Hypnotism Robbed Death in the Electric Chair of Terror." "The electric chair was robbed of its terrors for Richard Gardner, the murderer, who was put to death in the Ohio penitentiary early this morning, through hypnotic suggestion. Gardner walked to the death chair with a firm step and a smile of joy on his face. He was an illiterate man, but before he took the chair he stood and from his open Bible read a few verses in Matthew. His imitation of the voice and manner of the chaplain, who stood directly in front of him, was not noticeable. Gardner then took his seat in the chair in as firm a manner as though he were sitting down to a meal. The change in the man's manner from abject fear, to indifference is explicable on the theory that Gardner had been subjected to a slow process of hypnotic suggestion, carried on about two weeks, during which he had been under the influence of the prison chaplain and believed that he would be sent directly to heaven." This is the testimony of the reporters as to what they saw.

The facts were that Gardner had been converted about two months, during which time the chaplain had been away from the

prison at the Prison Congress, and he had not seen him for over a week at a time. Other ministers had examined Gardner, and pronounced his experience Scriptural. His selection and reading of the Scripture were at his own suggestion, not the chaplain's. Gardner's reading was in his own natural and peculiar negro tone and manner, as all who were present know. The source of Gardner's joy, Chaplain Starr testified, was in the New Testament salvation, and what the reporters saw, but could not account for, was a work of the Holy Spirit. "We are saved by Grace, and that is the gift of God."

"He breaks the power of cancelled sin,
He sets the prisoner free;
His blood can make the foulest clean,
His blood availed for me."

At the close of Dr. Starr's address the audience all rose and sang together, and a general discussion followed.

CHAPLAIN WELCH, of Philadelphia.—The work of the chaplain in the penitentiary; God only knows what it is. Our friend attempted to describe it, but when everything has been said, there is almost a boundless sea of human nature, human experience and Divine possibility that cannot be measured. Systems and methods are to be examined, but not one of them is to be sworn by. There is nothing that can save a man, convict or not, but the Lord. Three-quarters of the men who come into our penitentiaries have been boys in the Sunday school, and attendants in their youth on the Gospel ministry, but somewhere from twelve to sixteen they have got away. I have often thought that if a magistrate, when a boy is going astray, had a right to and could do it, it might be a good thing to give the boys' father three days in jail and three days' thrashing, and he would reach the subject. Half the trouble is with the father and not with the boys.

Q.—How about the mothers?

CHAPLAIN WELCH.—The Lord help the mothers; they have their trouble with the fathers too. I do not know any system that will make prisons into little heavens, or guarantee a certificate of character to a man who comes in there. And our worst difficulty is outside the prison gate. As I came here this morning I passed a public school, and the boys were waiting for the doors to open, but the liquor place opposite was already open. I sometimes think we begin at the wrong end, and that we are trying to

save at the spigot when the whole business is going out of the bung-hole. You gather criminals in and put them away until you have an army of them, and all the time you are giving a certificate of character to thousands of men that they may damn your sons and ruin your daughters for \$1,000 apiece! You only ask \$1,000 to open the gates of hell, and every one that wants to can go in! When I see boys and young men, year after year, ground out of the social machine and made into candidates for God knows what, and see that our respectful Christian people keep that thing up year by year, I confess the thing seems to me inexpressible. Something should be done to put a stop to the thing where it begins. I am with the wardens, or the chaplains, or anyone else who will act like men to prisoners, but do not forget that the mischief is done before they are convicts. It is not done in prison; it is done in the community, among Christian churches, and I say God have mercy on the community and churches.

MRS. LEEDS.—When we hear such reports of the conversion of men as have been read we should not be discouraged. Not only the prisoner, but all the people can be raised from spiritual death through the power of Christ.

MRS. L. BARAKAT, Philadelphia.—What we need is good fathers and good mothers to bring up the children right. I was afraid when I had to send my boy to the manual training school, a boy of fifteen, because he had to pass two saloons right by the school. Who is responsible for allowing the saloons there? Who is responsible for our youth going to prison? Aren't you, fathers, responsible? The Christian men of the community are responsible for allowing the intoxicating cup to be given to them. I am a tax-payer, but I can do nothing. I was a Turkish subject, and my boy was safer on the mountains of Lebanon than in the streets of this city, for no saloon is allowed there. Take away the chance for getting liquor, and you will decrease the number of prisoners in your prisons.

Another speaker said: I have lived in a social settlement for nine years, and possibly have come in contact with a larger criminal element of the community than many of the chaplains. I live in an alley seven feet wide, with negroes on my right and on my left. Last night I spoke to a congregation of 250, with the little children in the arms of their mothers, some mothers not more than sixteen years of age, and the

oldest not more than twenty. It is my conviction that nine out of every ten had been before a magistrate, and many of them had seen the inside of a jail. I spoke to them in a little hall in an alley, not five minutes' walk from here. Why do I speak of this? Because I want to ask why we cannot get a representative body of men and women to discuss the child question. The housing of the poor, open playgrounds, truant children; there are many such things that must be discussed. They will help solve your problem.

CHAPLAIN MADDOCK, New Jersey.—My greatest influence in prison comes from heart to heart contact with the men. We must meet them kindly. If you go along the corridor and some big black convict meets you, shake hands with him. That reaches a man better than theological preaching. I don't give them theology at all. I give them plain, honest, kindly talk, and they say "Chaplain, it did me good to hear you."

CHAPLAIN THORNTON, of Joliet, Illinois.—The old Gospel of Jesus Christ, with unlimited faith, is the thing to preach and teach. Confidence in man as well as in God opens the way for the chaplain. These convicts are men and have souls, and anything that will reach men outside will reach those inside prison walls. I am preaching sermons on the ten commandments. Theology is greatly needed, the right kind. I baptized three men last Sunday morning in the chapel of whose conversion I have no doubt. But I tremble for these men when they go out, on account of the infamous saloon, and the ostracism of the ex-convict, even by the church. Faith in God, faith in man, and in the word of God as the means of salvation, is the only thing I know that is going to protect them.

CHAPLAIN TRIBOU, United States Navy. If the brother will keep on preaching the Gospel, and expecting men to be saved, there will not be any trouble. All that we have to do is to preach the Gospel to the lowest of mankind and leave the results with the Master.

REV. F. H. WINES, LL.D.,—When the chaplain read the account of that electrocution I found myself asking the question, "Did it not add to the horror with which every right-minded man regards capital punishment?" I ask myself, "How can I justify myself, as a member of the community, in approving

of the execution of a Christian convict by his Christian warden? Where did he get his right? Did the judge get it from the jury? Where did the jury get it? Did the jury get it from the legislature? Where did the legislature get it? From what source does the authority come to put a Christian man to death?"

After the singing of the hymn "Blest Be the Tie that Binds", a paper was read by REV. H. CRESSON MCHENRY, assistant chaplain in the Eastern Penitentiary, Pennsylvania.

CHAPLAIN M'HENRY'S ADDRESS.

When the discussions of the Congress are over we shall in all probability go to our homes with the feeling that our task is far from being accomplished, and that many problems remain to be solved. He thought that if we get a man right, he will then do much himself toward changing his conditions. Let us try to establish a moral and spiritual cure in the man. True, we meet those who are so hardened in crime that their hearts are as stone, upon which the gentle words of the Gospel fall as dew, moistening the surface but never reaching the center. Others will treat us defiantly; others with mock politeness agree with what you say; others will be deeply moved because of the sins they have committed, and promise you all sorts of works of penitence, only to show perhaps the next day the weakness of their moral nature by yielding to the first temptation to which they are subjected.

But we must expect to meet these very conditions. Re-read the parable of the sower who went forth to sow, and see for yourselves the similarity between the conditions of our labor and those of the ancient sower who sowed his seed. And these very obstacles Christ himself encountered in his own ministry. The speaker then emphasized our Lord's caution, to be as wise as serpents. Much good work is spoiled by misguided zeal.

There are almost as many means of reaching the heart of the convict as there are convicts to reach. If we study the varying moods of a man we shall certainly find in one mood or another a good method of reaching him. The speaker thought the chaplain ought to be very careful regarding the public services of the Sabbath day, and not trust them to inexperienced friends.

PROFESSOR HENDERSON was invited to close the discussion. He said: "I have met with the chaplains when their meetings were much smaller than now. I am greatly encouraged by the

meeting this afternoon. We are working for the Master and for those for whom He gave His life. He taught us to care for the least of His little ones, and in doing it for them we are doing it for Him. Our work is always higher than we are ourselves, and therefore it is a privilege and an honor to be admitted to the circle of those who serve, in the name of Christ, those who are perishing and those who, by agencies we may employ in consecrated service, may be saved from that downward path in which they are now walking."

On Tuesday morning the early meeting was led by CHAPLAIN STARR. There was a free interchange of views among a considerable number who came together and took part in the meeting. The address of Chaplain Batt on the regular program for the afternoon before, but omitted at that meeting on account of the need of time for other uses, was reported this morning. The topic was "Impressions Abroad." This paper discussed the prevailing structure of the newer prisons abroad; the tone of these prisons, and the perfection of them in some lines of discipline; the civil service system as found therein; also the repression of European prisons as compared with the best prisons here, and also described a day which the writer had spent with Mr. Tallack, lately secretary of the Howard Association, but now retired after forty years of service because of age and ill health.

This paper described briefly Mr. Tallack's long and peculiar service for humanity, also the reward that has come to him increasingly in these last years, in the consciousness of much good done, in the respect that is paid to him wherever he is known over the world, in the present high standing of the Howard Association, which he has administered so long, and in the beautiful relaxation and repose of these later years of his life.

According to this paper the Howard Association is the creation really, and in a large part, of Mr. Tallack's genius and desire to spend and be spent in humane service. He has had the co-operation of many of England's best men, but it was evidently their confidence in him, and in his leadership, that gained him their support. The income of the Howard Association has never been large. Indeed, considering its position in the world, we should say it has always been very small, and none of it has been by any public appropriation. It has been wholly supported by voluntary gifts; and of the subscribers at the time of Mr. Tal-

lack's resignation, a considerable number were subscribers when the Association was founded a generation ago. Those who subscribed in the first place to support the work, and who have now passed on, as a rule continued to subscribe as long as they lived.

Mr. Tallack has had a very wide influence through the medium of the press, but the wide spread of his articles has been accomplished very economically and very skillfully indeed. The whole art of doing that has been studied by him with the utmost care, so that hardly a penny has been wasted. Mr. Tallack has had great liberty in the columns of the *London Times* and other influential English papers, but it was their confidence in the man, together with his unusual facility for such writing, that gained it.

Mr. Tallack is now living at Clapton Common. His home when reached is in a pleasant suburb of London, only a few minutes distant from the very center of London by the Rapid Transit now available. There he owns a modest but roomy house, with a small garden attached, which he cultivates with his own hand. His good wife is spared to him these many years, and they are passing these beautiful days together, receiving their friends in the most agreeable hospitality, and surrounded with books, and pictures, and photographs of every sort, and tokens of their life work and of their constant intercourse with benefactors of the race.

During the day that Chaplain Batt had the privilege of spending with him, Mr. Tallack desired, if convenient, to appeal once more to the National Prison Association, and to the public here, in whatever way might be opened to him, especially for three things, viz: 1. The protection of the world at large, and of our country in particular, from the horrors of lynching. 2. The abandonment of the lease system for prisoners in the South. 3. The separate and individual treatment of prisoners.

Mr. Tallack does not adopt the Eastern Penitentiary system, in whole. He does not believe in keeping the prisoners separate from all other prisoners, and almost from all the world, for an indefinite length of time; but he does, as Mr. Batt understood him, plead for something of this, to the extent of a personal study and an individual treatment of every prisoner.

At this meeting CHAPLAIN BATT was re-elected president of the National Chaplain's Association for 1903. SECRETARY

IMBRIE, pressing his request to be excused from the secretaryship, received the hearty thanks of the body for his valuable services, and CHAPLAIN STARR was unanimously chosen to that office for 1903. CHAPLAIN THORNTON was also unanimously elected treasurer.

On Wednesday morning the early meeting was continued on the same lines as before. There was singing and other devotional exercises. The discussion in the regular sessions of the day before came under some review. In the course of the meeting objection was raised by one speaker to frequent assumptions that are made in the discussion of penological questions, regarding the Mosaic law. The Hebrew lawgiver is often accused of being vengeful in his teaching, and to this the speaker objected as being unjust to Moses.

It is true, Jesus gave to the world a higher law than the Old Testament clearly taught, and one which was necessary to the fulfilling of Moses' law. Whoever shall smite thee on thy right cheek turn to him the other also. Love your enemies, bless them that curse you, do good to them that hate you, pray for them that despitefully use you and persecute you. And this is far better than that we should go to law with them in a hateful way, or invoke force to harm them. But did Jesus deny the necessity of civil government, or the necessity of force, or of stern justice, in a good administration of civil affairs?

Here, then, is what Moses said, and here is what Jesus said. What is it that these modern critics of Moses say—thirty days (or some other number) for a tooth; ninety days (or some other number) for an eye; five dollars and costs (or some other figure) for a tooth; \$100 and costs (or some other figure) for an eye; and all this very much at the discretion of the judge! That is the modern improvement upon Moses! Did Jesus ever say anything like that? Where is the authority for this modern law? Men talk about Jesus abolishing the Old Testament law, but He says He came to fulfil it. Did He ever suggest this modern principle? Can we think He would approve it? Does the New Testament anywhere say anything like that, or justify it, or give any ground for it, or countenance it in any way whatever? This modern substitute is neither law nor gospel; it is neither Moses nor Christ!

Instead of our present way being very much of an advance upon Moses, the Congress had been told only two days before by

one of its most eminent speakers, that it is so directly opposed to common sense, and such an affront to all our knowledge of human nature, and of the laws of social science, and of our conceptions of Christianity, that it would be impossible for it to stand for one moment in the light of civilization, if it were not sanctioned by tradition and custom, until we are blind to its true nature!

The Mosaic law, of course, was intended for a people who could not have an elaborate system of courts, and court houses, and prisons, and prison officers, as we have. What we do in a refined way requires time, and a great many formalities and technicalities, which were impossible in Moses' day. Are those who make severe reflections upon Moses confident that if we had no prisons, and no elaborate system of courts and court trials, we could get along then without summary justice? But would it follow that we were in that case inspired by a spirit of vengeance, any more than we are now?

There is something in the rude justice of that early time that is sturdy, something wholesome, something that inspires a man with a sense of justice and a respect for justice. A man that has committed violence should not have his choice to settle it with money, or to settle it with "doing time" in prison. The prison possibly for some is a very comfortable place; or perhaps the offender is a man who has a good deal of money, and cares very little for the fine the judge imposes, as compared with the gratification he finds in hurting the neighbor whom he hates.

Moses stands up against all that and says it is not according to his ideas. No man is going to get off that way while Moses is on the bench. If a man does not know what a tooth is worth, and knocks out a neighbor's tooth, he has no ground for complaint if he is taught a necessary lesson of what a tooth means, and what it is worth; and society is safer, and innocent people are safer thereby. A tooth is the measure of the value of a tooth, and nothing else is. An eye is the measure of the value of an eye, and nothing else is. Where Moses' principle prevailed, and a man knew that it was a likely thing that if he caused a blemish in his neighbor, as he had done so it was going to be done to him immediately, there was safety!

Very rarely, certainly, in our modern times, has the sublimity of Moses' principle that there should be one law for all people been yet exemplified. When the Englishman and the Boer and

the Kaffir come into court and find exactly the same law, man for man, with no difference; when the white man and black man come into court and stand on the same level at the bar of the court; and when the rich man and the poor man come into court and stand exactly on the same level, man for man; then life is reasonably safe, the person is safe, and business is safe, and commerce and manufactures and all improvements and advancements are possible. But where the other principle prevails; thirty days for a tooth, and so many dollars settles for an eye, and where the white man can do a thing without any harm that the black man is killed for doing, and where the rich man by the influence of his money can escape, although the poor man is severely punished; all that leads toward a condition of things in which nobody is safe, and where the tendency is toward robbery in broad daylight, and crime abounding, and even lynching becomes both constant and popularly respectable!

If it be asked what Jesus meant, the best interpretation to be put upon Christ's words is that Jesus meant just what He said. If a man hurts you the best thing for you to do about it is to conquer him by love. True, if you hurt him in return, he can find no fault; and if the bystanders (that is society) seeing that he was bigger than you, should turn to and help you hurt him, still the offender could find no fault. He is only suffering what distributive justice says he deserves; and it might be a good thing for him to live the rest of his life without that tooth, just as you must live the rest of your life without your tooth. So far as he is concerned it is none too bad for him; but after all, for you, it would not be the best way. Vengeance in your heart is the last thing that ought to be there; it is the last thing that it is good for you to keep there.

The speaker did not deal with the inquiry whether in case of such violence society had not an interest in the matter, and had not something to do about it, *for its own sake*. But so far as the sufferer is concerned, it is a mistake for him to take vengeance, or to go to law to get the law to help him take vengeance. The better way, the higher way, the wiser way, and the Christian way, is to overcome the offender with love. And it may be maintained that to-day in our civil courts, and in our criminal courts, so much of all that law business as is carried on with a vengeful spirit is immoral and contrary to the Gospel, and is harmful to society.

What shall be done then with a man who with malice pre-pense injures an unoffending person whom he hates, and who is sent to prison for it? What has the prison to do about it?

Nothing of vengeance. The prison may keep the man, if possible, so that he can do no more harm, but has no vengeance whatever to execute upon him. But no "doing time" in the prison can settle the injury, and no money can settle it. If the prisoner were somehow to inherit the whole of Mr. Carnegie's millions, and if he would be glad to spend every dollar of them all to settle for the tooth he had knocked out, so that he could get out of prison a free man, not all that money would settle it, nor could all the money in the world settle it, nor could any length of time in prison settle it.

How can it be settled then, so that the man can go out of prison right? Knocking out a tooth would not settle it. But far better than that, if the prison where this wicked man is held in confinement could so treat him that he became very sorry for what he had done, having not simply a feeling of regret for the trouble he has brought upon himself and his friends, not feeling sorry simply because he has gotten his eyes open and sees what a mistake he has made and how he has hurt himself, but if the prison might treat him so that he would become heartily sorry—sorry with a sorrow so deep and lasting that it would change his whole life, and make the man all over; such a sorrow that he would fly if he could to the one he had injured, and beg his forgiveness for the Lord's sake, and would even put back the eye he had destroyed by giving his own eye in place of it—then the prison door might be opened to that man, whether his "time" was up or not, and society would be safe, and the sad business would be settled as well as it could be settled in a human world, and as well as it could be settled this side of the judgment day, and this side of the bar of God!

RESOLUTIONS.

RESOLUTIONS OF THE NATIONAL CHAPLAINS' ASSOCIATION.

By the death of Mr. John Way, Jr., which occurred at his home in Sewickley, Pa., November 24, 1902, the cause of Prison Reform has lost a most sincere and useful worker.

Although since early manhood, Mr. Way was interested in all philanthropic endeavors, yet it was upon his appointment in 1895, as a member of the board of management of the Allegheny county workhouse, that his attention was directed particularly to prison work in its various phases. With his characteristic energy he at once began a systematic study of criminality and prison discipline, that he might be better prepared to deal wisely with the many problems which would naturally come to his attention as a manager.

He chose as the special object of his effort, the young men among the prisoners, seeking out the cause of their misfortune, counseling, encouraging, instructing them to a better life, and, at the end of their sentence, aiding them by pecuniary help, or by securing for them such employment as they were qualified to undertake.

His theory was that crime was partly the result of a lack of the right kind of knowledge, and with this idea he interested himself especially in the prison school, improving its equipment, extending its capacity, and frequently giving his personal help in imparting instruction.

In his private life, Mr. Way was a person of exalted character and high mental attainments. Being a man of wealth and leisure, his time had very largely been spent in educational pursuits. He was a constant reader, and a writer of graceful style and depth of thought. From early manhood he had been a professing Christian, serving his church in important offices, and his community by a noble example.

His greatest work, however, in his home town was in his Bible class. For fifty-one years Mr. Way taught a young men's Bible class every Sabbath afternoon, and from this class young men have gone out in the world's work to all countries of the globe, bearing with them the elevating influence of their association with this pure-minded man who had been their teacher in the formative period of their early life.

So it was that class distinction did not enter into the work of Mr. Way, but with quiet dignity he reached out to help all young men, regardless of condition, and everywhere he received respect and high regard, as was his due.

Mrs. Rebecca Salome Foster who, during her useful life and since her lamented death, has been affectionately spoken of as the "Tombs' Angel" of New York, so efficiently wrought in behalf of the unfortunate and the erring, visiting in the Master's name those who were in prison, and also those who had come forth from the prison with its stigma still upon them, that we are tenderly constrained to testify to our admiration of her character, and to place on record our humble tribute to her usefulness. Not until many others of like missionary spirit with Mrs. Foster, shall join their consecrated efforts with those of such as are officially employed to work for the reclamation of men and women whom society has found it necessary to deprive of their liberty, will His will be done, who, in His public teaching, made a special plea for prisoners. Inscribed among earth's noble ones we are confident the name of this saintly woman will always stand.

TEMPERANCE REFORM.

The National Chaplains' Association would bear continuous testimony to their deep and abiding interest in all wise measures for the restraint of the saloon, and for the promotion of habits of temperance and sobriety among all the people of our land. We are of one mind in regard to the end to be attained. We know that the use of intoxicating liquor brings hosts of men into prison. We desire to co-operate, as far as we consistently can, with all organizations, of whatever name, whether of men or of women, that are striving earnestly to strengthen and protect the weak who are tempted by the allurements of the saloon, and to hinder all

liquor dealers who are willing, by putting the bottle to their neighbor's lips, to make money out of the destruction of their fellowmen.

In these days when assaults are being made upon methods of temperance effort that have long been tried, though with only partial success as yet, we hope that such methods will not be surrendered, until better ones are evidently at hand and ready for immediate use. We count it a privilege, however, to join with others whose aims are similar to our own, in studying how present methods can be made more efficient, and more satisfactory to all, and how new agencies can be devised to suppress the saloon.

WILLIAM J. BATT, *President*
D. J. STARR, *Secretary*,
For the National Chaplains' Association.

MONDAY—EVENING SESSION.

The Association was called to order at 8 P. M. by the President. Prayer was offered by CHAPLAIN IMBRIE. Invitations to visit the Eastern Penitentiary and the Philadelphia county prison and the Free Library, of Philadelphia, and the plant of the North American newspaper were read and accepted with thanks.

THE PRESIDENT.—One of the most hopeful enterprises of our day has been begun in Chicago for the sake of the boys and girls who would otherwise go into the prisons by one who is with us to-night, one who comes with the learning of the lawyer, with the experience of the judge, with the patriotism of the largehearted citizen and with the generosity of the Christian man; one who has undertaken the task, in addition to the heavy duties imposed by his court, of keeping boys out of prison. It is with peculiar satisfaction that I am permitted to introduce to you one who I am sure will be an inspiration to you and will help you in your splendid movement in Philadelphia in this direction. Whatever may be the present decision of the courts as to the constitutionality of the measure I am sure that the great state of Pennsylvania will provide generously and properly in some legal way for probation and juvenile courts, for young offenders. What that court means and what it is doing and what we hope from it can be told far better by one who is administering the law, Judge Richard S. Tuthill, of Chicago.

ADDRESS BY HON. RICHARD S. TUTHILL.

JUDGE OF THE JUVENILE COURT, CHICAGO, ILL.

JUDGE TUTHILL.—*Men and Women*.—(I rather like that sort of address that our strenuous President has introduced). Men and women, not by any less dignified name than that would I address you. It is an honor and a pleasure for me to be with you here to-night, invited to this pleasant duty, for such I consider it, by our eminent President, Professor Henderson, whom I have known well in Chicago, whom all Chicago knows and the more

they know him the more they love and honor him for the work he has done and is doing and that he is inspiring others to do. I feel honored that he should have invited me to come here to address such a body of men and women as are before me to-night.

I feel that we are to be congratulated that we live in an age when the serious minded, earnest, conscientious citizens are considering the duty and are entering upon the discharge of those duties with fearlessness and with persistency in their hearts. That will bring about great changes. We are all enlisted in the great cause. We are professedly believers in the great moral truths which find expression in the New Testament. I believe it says that we are each others keepers, that we owe a duty to every man and woman, that we must be helpful to each other. We all need help ourselves. We have only to look into our own hearts to see that we need help and that others need help. So it is a great privilege to live in an age when people are coming to take that view of life and are becoming honest in their purpose to help those who need help; when they are coming to take the view which Christ taught—that all men are brothers, “brothers, aye, for all that and all that”; and that as brothers we must help each other.

It has pleased me beyond expression to hear these gentlemen gathered here, representing the great penal institutions of our land, all speaking in one voice that they want to help the people who are placed under their charge. They want to do it because it is right and because they are patriotic men and feel that in that way they can serve their country as well as human kind.

I think we must congratulate ourselves that such men as Professor Henderson and others like him are taking part in this great work. Let us hope that the time will come when every man and woman will say, I want to enlist in this great war for right and justice and godliness, and when they will not only be willing to talk, but to work, to do something. Then the whole problem will be solved and we shall have a country that is indeed the most splendid that human beings have been permitted to live in.

The Juvenile Court law of Illinois, about which I have been asked to speak to you to-night, is based upon a certain moral, legal and economic principles which are conceded truths in all civilized governments. These axioms in governmental science are so old as to have become like the truths of the moral law, sometimes covered by the moss of ages of neglect, and to be looked upon by

many well meaning citizens as only glittering generalities, not to be taken seriously. While no man would attempt to deny these truths, yet "practical" men would look askance at any one who should insist that they are at the basis of all good government and of a true civilization, essential to the progress and well-being of the race, and of every member of the civil community, and must be put into force in order to promote and secure these ends.

No one certainly in this "government for the people" will question the truth embodied in the Declaration of Independence and sanctioned and protected by the Constitution of the United States and of every state and territory of the Union, that the true purpose of government, and its chief justification, is to secure the welfare and well-being of the people, upon whose virtue, intelligence and patriotism it alone can permanently and safely rest.

The first and chiefest duty resting upon human beings, inculcated not alone by moral and religious teachers, but found in the very nature of man, is that we are here to preserve and perpetuate the species. Not less clear to the civilized man is the duty to improve and elevate the species. For generations in this country, as in England, an elementary principle of the law has been that the state stands in *loco parentis* to every child within its boundaries. Parliaments, legislatures and courts have never failed to accept this as an axiom of civil government. An axiom also of moral and religious teaching is that the duty properly to care for the children is among the highest, if not the very highest, of all duties resting upon men and women.

How has this duty of exercising parental care over children, resting upon the state, been discharged? The state has properly recognized that the ideal condition for a child to be in is in the care of the father and mother, in which condition God Himself has placed it; provided always that such father or mother is not a vile, vicious and criminal person, or, what amounts practically to the same thing, an ignorant and careless person, neglectful of his or her duty to the child.

The state has neither a moral nor a legal right to interfere with the care of children except when the parents are vicious or criminal, ignorant or neglectful, or when the child has been deprived of parents, or by reason of poverty or sickness these are unable to give to the child the needed parental care.

For the children in all, or nearly all, the states of the Union, the several states, in the exercise of their paternal duty, have provided excellent free public schools, which have done and are doing the greatest and most important work of the state. But experience has shown that notwithstanding the work attempted and done in the public schools, there is a vast army of children who, for one reason or another, do not come, and cannot be brought, under the civilizing and elevating influence of the public schools. These are found in largest numbers in our great cities and manufacturing centers. Many such are the offspring of fathers and mothers coming yearly to our shores in search of opportunity to better their and their children's condition in life. The children of men and women who must labor in shop, field or factory from "early morn 'till dewy eve", in order to put bread in the mouths of a family of eight to twelve, cannot receive from their parents such care and attention as we know our children must have to keep them from following the devious but, to childhood often alluring, paths which lead to vicious and criminal careers.

From the ranks of these, as from those of criminal, incompetent and neglectful parents, come a host of strong-bodied, strong-minded youths, who, restrained by no proper parental guidance, develop surely and by steady degrees into the desperate criminals who are devastating the land and crowding our jails and penitentiaries.

What is the state doing for these? It is no answer to say of them that such a class of children ought not to be; they are. It is "a condition, not a theory which confronts us". What is the state, which stands in the place of a parent to these children, doing to save them from lives of crime and the punishment which the laws of the universe, and as well the laws of human society, will visit upon them?

In Illinois, the home of Lincoln, the tenderest, the most Christ-like man the world has known, until the enactment of the Juvenile Court law, almost nothing was done that was not wrongly done by the state in the exercise of the parental duty of the state toward these delinquent children of the state under the age of sixteen years.

No matter how young (I have seen many children under the age of ten years confined in police stations and in the county jail of Cook county, awaiting trial upon an indictment by the grand jury) these children were prosecuted, convicted, sentenced and confined in prisons, just the same as were adults. Pending the hearing the state, through its officers, kept these little ones in police cells and in jails and in the city Bridewell, among the lowest and worst men and women found in the vile places in the city.

In such surroundings they developed rapidly, and when released they went forth, but not with a diploma, as from a public school, no, but from this "public school"—for the police station and the jail are just as truly public free schools state institutions as are the others—its graduates went forth better fitted to do the work they have learned there to do, to steal and rob and kill, than are the graduates of the other to do theirs.

The fact that in Chicago, in the year preceding the enactment and going into effect of the Juvenile Court law, there were 17,000 arrests of children, will serve to illustrate the magnitude of the problem of juvenile delinquency in our cities. Judges and grand juries, priests and pastors, teachers of sociology, all good citizens who had found time in the busy pursuit of wealth and self gratification to consider such a subject, and to learn of the condition I have alluded to, were appalled. The result was the preparation and enactment of what has become known throughout the world as the Juvenile Court law of Illinois.

It is not my purpose, nor is it needed, that I should take up your time by telling you what are the explicit provisions of this law. It is found in the Revised Statutes of our state, and pamphlet copies of it can be obtained by addressing a line to *The Juvenile Record*, published by the Visitation and Aid Society, 79 Dearborn street, Chicago.

The basic principle of the law is that a child under sixteen years of age ought not to be considered or treated as a criminal—ought not to be arrested, indicted, convicted and imprisoned as a criminal. It recognizes the fact that such children do acts which in an older person would be crimes, and properly be punished as such but that no child of the age fixed in the law should be branded in the opening years of its life with the indelible stain of criminality is the clear and explicit declaration of the law making power of the state in this enactment.

The law is comprehensive, and makes ample and full provision for the care and disposition of dependent, as well as of delinquent children—both boys and girls. (In speaking of “children”, while the masculine pronoun is used, it applies, of course, to both sexes).

A “dependent” child is in the act defined to be “Any child who, for any reason, is destitute or homeless or abandoned; or dependent upon the public for support; or has not proper parental care or guardianship; or who habitually begs or receives alms; or who is found living in any house of ill-fame, or with any vicious or disreputable person; or whose home, by reason of neglect, cruelty or depravity on the part of its parents, guardian or other person in whose care it may be, is an unfit place for such a child.”

A “delinquent” child is defined to be: “Any child under the age of sixteen years who violates any law of this state, or any city or village ordinance; or who is incorrigible, or who knowingly associates with thieves, vicious or immoral persons; or who is growing up in idleness or crime; or who knowingly frequents a house of ill-fame; or who knowingly patronizes any policy shop or place where any gaming device is or shall be operated.”

The court upon whom the Act imposes the duty of carrying out this law is the circuit court, a court of record of original and unlimited jurisdiction, which has had upon its bench a Sidney Breeze, a David Davis, a Charles Lawrence, and many other of the chiefest lights in the jurisprudence of our state. This as if to emphasize the importance to the state of the work to be done, for convenience of designation the court is called the “Juvenile Court.”

The case of each individual child, whether dependent or delinquent, becomes of record in this court, and every step taken in the case is shown upon the record of the court. The life, career and surroundings of every such child—a sovereign *in posse* of an empire—is rightly deemed as of greater concern to the state, even than are the disputes of citizens over the possession of moneys or lands.

The initial step in the proceedings in each case is the filing of a petition by any responsible citizen, setting forth the facts, all that are known, concerning the child, be he dependent or delinquent. A summons as in chancery issues and thereupon the

parents are notified to bring such child into court. Should they fail to do this, an officer of the court, sheriff or probation officer is sent after him. A reasonable period is then allowed for notice of the time, etc., when the petition will come on for a hearing. During this waiting period, the child may be permitted to remain at home, or be kept in the detention home under the kindly care of the probation officer and his wife there in charge. The hearing of the case is in open court, but with little of the technicality and formality usually found in court proceedings.

I have always felt, and endeavored to act in each case, as I would were it my own son who was before me in my library at home, charged with some misconduct. I know of no better or more helpful principle than this for judge or probation officer to be guided by in dealing with this class of cases than that embodied in the Golden Rule, modified so as to read, "Do unto this child as you would wish to have another in your place do unto yours."

I first speak to the child in a kindly and considerate way, endeavoring to make him feel that there is no purpose on the part of any one about him to punish but rather to befriend and help; that the state, that is, the good people of the state, are all interested in him, and want to do only that which will be most certain to be of help to him now and during his entire life. This talk to the boy is intended for the parents to hear as well, and usually reconciles them to the entire proceeding, as they come to understand that they are to be more benefited than any one else by having their disobedient and bad boy transformed into a good boy, who when he grows to be a man will be a good man, honest and industrious, the pride and support of their old age.

Usually I have not found it necessary to have many witnesses, for the boy has, in answer to my questions, frankly told me all about himself; his father and mother, with frankness and truthfulness, have given their knowledge and stated their own views as to the conduct of the boy.

The point of inquiry is not to find out whether he has done an act which in an adult would be a crime, and to punish him for that; such facts are considered merely as evidence tending to show whether the boy is *in a condition of delinquency*, so that the state ought to enter upon the exercise of its parental care over the child.

The adjudication in the case of the "dependent" child is that it is or is not *in a condition* of dependency, and in the case of the "delinquent" child, that it is or is not *in a condition of delinquency*. It being, upon consideration of the evidence, adjudged that the child is in such condition of dependency or delinquency, then the court must decide what shall be done with it. The child becomes by the adjudication a ward of the court. The law recognizes the truth which has in the minds of many been lost sight of, that the parental care of the state can be exercised only through individuals. Passing laws will amount to nothing unless there be men and women to exercise, in the name of the state, over each ward of the court the care which a wise and loving parent exercises over his own child.

The law authorizes the court to appoint probation officers, as many as he sees fit. For this purpose the city has been divided into districts, each of which is in charge of a district probation officer, who has as many assistants as are needed, or as many as salaries can be obtained to pay for their services. Nothing is paid to probation officers out of the public treasury except the salaries paid to some fifteen city policemen who, in citizens' clothes, and without batons or revolvers, act also as probation officers of the Juvenile Court. Then there is a chief probation officer, an experienced lawyer, on the staff of the city law department, who, with the efficient clerk of the court, looks after the preparation of all papers, conducts upon suggestion of the court, all needed outside investigation, and superintends the work of all probation officers.

It has been my almost invariable practice to place a child charged with delinquency, and brought into court for the first time, under the care of a probation officer, and permit such a one to return to his home. Monition and admonition are given to the child and to the parents as well. The fact that in a large majority of cases this treatment, wisely and faithfully persisted in, has so resulted that it has not been found necessary to have the child brought again into court, is the best evidence of the wisdom and efficiency of such a course. But, of course, many are returned. When one considers the squalor of the homes to which they return from the court, the vice and drunkenness with which they are in constant contact, the evil surroundings and the natural weakness

of youth, he cannot but wonder that many more do not again slip and fall.

In Chicago, since the enactment of this law, a "Parental School", of large and generous proportions, on a tract of forty acres, adjacent to the city, has been established, to which the court sends habitual truants, who are not otherwise delinquent. Nearly all delinquency begins in truancy. This institution takes many children who have just entered upon the path of delinquency. The only other place to which the court can send the delinquent boy is to the John Worthy school, located at the City Bridewell, and under control of the wise and humane superintendent of that institution, Mr. John J. Sloan. This is a well-equipped public school the educational features of which are under the charge of the board of education of the city, with a competent principal and excellent corps of men and women teachers. It has, however, a capacity of only from 350 to 400, and is not what is needed, though to-day doing a splendid work.

The legislature, at the last session, passed a law establishing in the country a home for the delinquent boys of the state, and made a small appropriation (\$25,000) to erect a building, upon condition that a site should be given for the purpose, consisting of not less than 320 acres of land. I am pleased to tell you that over \$100,000 in money has been raised in Chicago to purchase such a site, and to-day 1,000 acres of the richest and most beautifully located land in Illinois has been purchased for this rural home and school for boys, near St. Charles, distant from Chicago only about one hour's ride. Illinois expects to be able to show the world in a short time how the state of Lincoln, Grant and Logan will, in the future, exercise, in a humane and helpful way, the parental duty she owes to her children. Her men of wealth have shown themselves awake to this important duty of the state, and have made and will make generous contributions to this institution. Already, besides the gift to purchase the site, members of the Commercial Club, of Chicago, a body composed of our wealthiest and most public-spirited business men, have agreed to give \$50,000 to erect a building or buildings upon this site. The state, at the next session of the legislature, will be asked to provide all necessary buildings not erected by private generosity.

Not dwelling upon the moral and religious phase of this great question, the business men of Chicago feel that it costs less to care for six boys, give them proper parental care, clothe and feed them for three years each, than it does to suffer from the depredations of one criminal, to guard against him, to hunt him down, to try to convict him, and keep him in enforced idleness in the penitentiary and to do the same for his children and his children's children in the future.

Should there not from this meeting of representative men from all parts of our beloved land, held in this historic city, from which to an oppressed and tyrant-ridden world was sent forth the immortal declaration of the inherent rights of all men, go forth a new declaration, that no state claiming to be civilized, can longer ignore the rights of the children and its duty to secure for all those who have it not that proper parental care each must have or become a menace and hurt to the state?

THE INDETERMINATE SENTENCE.

BY HON. JOHN FRANKLIN FORT, JUSTICE OF THE SUPREME COURT
OF NEW JERSEY.

When it shall come to be accepted that punishment for crime is solely for the purpose of preventing future offenses, the introduction of remedial methods will become easy. The Supreme Court of Illinois declares that the object of punishment can be attained only in one of three ways:

1. By the amendment of the offender.
2. By deterring others through his example.
3. By depriving the guilty of the power to do further mischief.

People vs. Reformatory, 148 Illinois, 413.

The first and last of these objects are the ones in which we are most interested in this discussion. With the deterrent effect of punishment which is the only relic of the old belief in the three

objects as stated, we have little to do. If I were to discuss it at all, it would be to attempt to establish that it was no longer useful to send a man to prison for stealing a horse, in order that others may be prevented from stealing horses. When a man gets to the state of mind in which he will steal horses, the fact that some one else has been punished for it will have little, if any, influence upon his actions and, for the man who has no impulse to steal, the fact of the punishment of another for so doing is utterly inconsequential.

To rightly get at the method of dealing with offenders, we must bring ourselves in position to see that it is not the man but, rather, his mental, moral, and social condition with which we have to deal. We shall attain more important results for good through efforts to prevent or overcome the evil effects of heredity, environment, and ignorance in man, than through confining him for the consequences which flow therefrom. The great problem of penal reform is to be settled by the application of the homely adage: "An ounce of prevention is worth a pound of cure."

My paper is to consider one of the modern suggestions for criminal reformation, namely, "The Indeterminate Sentence", so called. Several states have adopted it in committing offenders to a part, if not all, of their penal institutions. New York, Massachusetts, Ohio, Illinois, Indiana, New Jersey, not to mention others, are among the number. The New Jersey act was adopted in 1901 and, as it is the latest expression of the form, or statutory declaration, of an indeterminate sentence, I will give it. It reads: "The courts, in sentencing to the reformatory, shall not fix or limit the duration of sentence, but it shall not in any case exceed the maximum term provided by law for the crime for which the prisoner was convicted and sentenced and may be terminated by the managers of the reformatory, as herein provided." The Act proceeds to give the managers power to make rules and to release the prisoners on parole in accordance therewith, the prisoner to be in the custody of the managers subject at any time to be recommitted to the reformatory for the violation of his parole; and, in case of a retaking, the time out will not count on the term of service. It will be noticed that there is no required minimum term of sentence as, I think, is found in all the other states. In New Jersey, the power to discharge at

any time after the prisoner is received or to hold for the maximum term of possible punishment, fixed for the offense of which the prisoner was convicted, is absolute.

This statute will raise all the legal and other questions so much discussed under this form of sentence. Is a statute which fixes a term of imprisonment, dependent upon the will of a body not judicial, constitutional under our triple form of government? I shall not enter into a long discussion of this question. All the state constitutions, I think, contain clauses in form about as follows: "Cruel and unusual punishments shall not be inflicted"; "The governor may remit fines and forfeitures and grant pardons after conviction in all cases except impeachment"; and the usual clauses of the division of governmental powers into legislative, executive, and judicial, with the clause that "the judicial power" shall be vested in certain named courts.

What punishment may or shall be inflicted always has been fixed by the legislative branch of government. True, it usually has left to the court, within certain fixed limits, the definite amount of the fine or term of imprisonment, but the contention that it must do so hardly can be sustained. There is no decision, coming within my observation, which holds that the legislature may not fix a definite and arbitrary penalty for every offense created by a statute, if it so wills. If it can require that the court fix and make certain that which is uncertain and impose such penalty when so fixed, why may it not require the imposition of a definite sentence?

There is nothing cruel or unusual about a sentence to the penitentiary or reformatory for the maximum period, fixed in the statute for the offense of which the offender stands convicted. That always has been within the power of the court. When such a sentence was imposed under the old method, it was much more cruel than under the new. Now the offender may get out within a tenth of his term. Then, he must stay for the whole thereof.

Nor does the power of discharge at any time on parole conflict with the power of pardon. The two things are quite different. The Supreme Court of Pennsylvania (*Commonwealth vs. Halloway*, 42 Pa., St. 448) has stated the difference clearly. It said "Pardon operates directly upon the crime and only indirectly on the criminal." Pardon is not to let one free from

prison; it is to wipe out the effect of the crime. But it is unnecessary to consider this question further. In all the states, except in Michigan (*People vs. Cummings*, 88 Michigan, 249) in which the constitutionality of this class of legislation has arisen, it has been sustained. Ohio (*Peters vs. State*, 43 Ohio, 629), Indiana (*Miller vs. State*, 149 Indiana, 607), Illinois, (*People vs. Reformatory*, 148 Illinois, 413; — *George vs. People*, 167 Illinois, 447) and Massachusetts (*Conlon's Case*, 148 Mass., 168; *Commonwealth vs. Brown*, 167 Mass., 144) have passed upon it by their highest courts.

The opinion in Michigan was delivered in 1891. Only Ohio then had passed upon the question and its decision was by a divided court. In the light of events, the following extravagant language, taken from the opinion of the judge who spoke for the majority of the court in the Michigan case, is not without interest. "I have not," he says, "sufficient words at my command to use in condemnation of this statute. It would fill our state with convicts—they could not be called freemen—running at large outside our prison walls, all liable at any moment to be taken back inside, at the will of four individuals, no better, possibly, in their impulses and caprices than the average man." Reading this quotation only eleven years after it was uttered, it sounds almost ludicrous. The history of the parole law in Michigan which they evidently have operated, irrespective of that decision, seems to refute every statement in that quotation. The governor of that state, in 1898, advised me, through the prison authorities, that, up to that time 128 prisoners had been paroled and that, at that time, only fifteen still remained on parole and only nine had ever violated their parole, all the others had received honorable discharges. Of the nine, eight had been returned to prison and one was in Ohio, serving a sentence for larceny. It would be difficult to find a more crushing rejoinder to the prediction of the Michigan court of the terrible consequences of permitting prisoners to be out under a parole law than these facts.

Up to this time, so far as I know, no state has applied the indeterminate sentence to persons confined in all of its penal institutions. Given the right conditions and an impartial non-partisan tribunal to control discharges, I would favor its application to all offenders. I would go still a step further. I

would have neither the minimum nor the maximum term fixed by statute and, possibly, not by the sentencing court. The proper way to cure those who are really criminals is as you cure other diseased persons—namely, keep them under treatment until they are cured, or at least, so nearly cured that they may be discharged safely

We constantly hear the statement that criminals are on the increase. I do not think that it is true but, if it is, the legislatures are responsible for it and, possibly, in some respects, careless judges. Acts made crimes to-day are ten-fold as many as they were at common law. Every legislature that meets, in any state, makes two or more new offenses crimes. Thousands of men are annually jailed, awaiting trial or otherwise, for offenses which are crimes simply because they are made, by statute, *malum prohibitum*, and which have nothing in them which is *malum in se*. They are not crimes arising from a bad heart or a criminal disposition. The confinement of such persons in prison, with the loss of self respect entailed, the incidental disgrace, and, worse than all, the possible intercourse with professional criminals, leads them into real crime. No man committed for an offense which does not involve moral turpitude should ever be confined with a man tainted by a crime that does.

It seems to me that the indeterminate sentence should apply to the habitual criminal for many reasons. If it is true that criminal tendencies are hereditary, that contact with the criminal induces others to enter the life; if it be true that his moral nature is diseased and that his criminal tendencies are uncontrollable—and many expert scientists so teach in these days—then why let him be at large at all? The state has as much right to protect itself from the criminal as from the dangerous insane. A confirmed criminal should not be permitted to perpetuate his species, to contaminate his fellows, or to go abroad while his moral nature, irresistibly or pervertedly, leads to depredations upon society. Such an one should be confined until cured, or apparently cured, and then discharged, under parole, with power to retake him upon a relapse into crime, and hence, a violation of the conditions of his parole.

Probation and indeterminate sentence for first or youthful offenders is past the experimental stage and is, in several states, a fixed policy. It is only a matter of time when it will be so in all.

A reform of this sort which proves successful in operation is irresistible and will, ultimately, by its own force, extend to all the states. As the indeterminate sentence system extends, and is enlarged, it will, I fear, be found that uniform methods of discharge under it will be demanded. A board of managers of a penal institution is not always the safest body with which to leave the liberty of the prisoner. Even though it be constitutional and otherwise legal, to confer upon the managers of a penal institution the power of discharge, is it not of doubtful wisdom under our form of government? Is it not a matter of serious concern whether a "court of discharge" should not exist in each state, having judicial power of inquiry and action? If it could be certain that no conditions that were political and non-judicial would control the board of management, the power might be lodged safely with them. But is not the temptation too great from the possibility of political influence which such a power to discharge carries with it, for us to hope that it will be exercised always with the sole object of promoting the good of the prisoner? Would not both the public and the prisoner feel safer in the hands of an impartial tribunal in which was lodged the ultimate decision as to a discharge? A tribunal with power to hear the whole matter and with the sole power to remand into custody for cause. Should not a man have the right to be heard on the question of his remand into custody? I would not take from the managers their power of initiative as to release. I would require all applications for release, before expiration of term, to come through them but, if they refused to permit an application for parole after a reasonable term of service that the court might consider it, I would give the prisoner the right of review and of a hearing before the discharge court. This court could be composed of a judge, designated by the governor, and of the several wardens of the penal institutions of the state or a majority of them. The judge should be president of the court and no prisoner, once discharged, should be remanded, except upon the order of the president of the discharge court, made upon verified facts, duly presented and filed as a matter of public record. The plan here suggested may not be the wisest and further reflection may devise a better, but, in the interests of absolute impartiality and assured public confidence—which are essential to the permanence of the system—it seems clear that some such protection should be thrown around it.

Let us, then, strive for the permanent establishment, under proper safe-guards, of the indeterminate sentence feature in the penal system of the federal and state governments. With it will come enlarged possibilities for the scientific study of criminology and the criminal. When we shall have attained this, there will have been ushered in a new and enlightened method for the reduction of crime, namely, the study, reformation, and elevation of the individual man.

Hon. Charlton T. Lewis, of New York, was invited to follow Judge Fort.

MR. LEWIS: I will confine my remarks to the second of these two remarkable papers which I confess has made a profound impression on my mind, as I trust it has upon you all. I have never heard before from so high a legal authority in the United States so compact, so full and so vigorous a defense of the new principle of reform in penal legislation, and I am satisfied that I should make a speech of extraordinary eloquence and instructiveness if I could simply repeat, word for word, that which Judge Fort has said to us, and which so well deserves to be remembered. There is a completeness about it which makes it difficult of comment as a whole, and I will make some suggestions on one or two portions only.

I want you to note that taken as a whole it is the expression of a new system of thought as to the duty of the state towards crime, a system of thought which is absolutely inconsistent with the traditional system which is the expression of existing codes and which it is the custom of governments and courts to enforce. If the views which Judge Fort has expressed are correct then the administration of our penal laws and the penal laws themselves in every state of the Union, and in every civilized country on the globe, are a relic of a lower civilization. What is the inspiration and leading motive of our penal laws as they exist to-day? What is the thought at their basis. As the Judge tells us, it is not the sole aim for which penal law is justified, the prevention of crime, the good of society, the protection of individual rights and the prevention of infringement of them. No. The purpose of our prison codes and traditional laws is distributive justice. The idea on which these codes are conceived is to deal out to every man who offends against the law, and against the rights of man,

that which he deserves. These codes are contrived with a vast expenditure of intellect, with an immense amount of labor on the part of men skilled in the law, for the purpose of apportioning a certain amount of restraint or pain to each man in accord with that which he is supposed to merit. And how is his dessert measured? The conception of the law is that his merit is determined by making a list of names, each the name of an act which is regarded as an offense against the law; some estimate is made as to the guilt implied by that act, and then a certain term of imprisonment is denounced against it. It is supposed that the infliction of the punishment or penalty is proportioned to the merit of the act. This idea of distributive justice is such an absurdity, so directly opposed to common sense, such an inconceivable affront to all our knowledge of human nature and all the laws of social science, all our conception of Christianity, that it would be impossible for it to stand one moment in the light of civilization if it were not sanctioned by tradition and custom until we are blind to its true nature.

Our friend Dr. Wines at one time made a compilation of the different penalties in different states for the same offense, showing that it was not an unusual thing for the guilt of the same offense to be ten times as great in one state as in another; that in New Jersey one offense might be punished by imprisonment for one year, while in Texas a man could be hanged for it; that in Ohio one offense was punished by a maximum of seven years, while across the river the same offense was punishable by imprisonment for twenty-one years, and so on through the whole list. It would be instructive for you to read it. It is an illustration of the fact that stares us in the face, and which every one understands, that it is an insoluble problem to determine the degree of a man's guilt by the name and definition of some act proved against him.

But that is not the worst of it. The law throws a burden on the courts. The commission of a certain act is proved before the judge and it is his business to decide within wide limits how much punishment the man deserves for that act, and to sentence him accordingly. Has he the prerogative of the Almighty to look into the man's character and know his merits? Can he even comprehend fully the nature and motive of the act of crime, the

power of temptation and resistance in the character, and measure the wickedness of it? Can he by looking at the prisoner tell how much meaning there is to him in the punishment he inflicts? Do you not know that the punishment of a day's imprisonment for many a man is far more severe than ten days to another man? Who can judge the hearts of men and assign with justice and by a true standard the length of a righteous imprisonment? I have shed tears in a court of law many a time listening to the sentences passed. Think of the mind and heart of the father who, when his son is brought before him guilty of some flagrant offense, feels bound to deprive that son of his liberty for a long, tedious, insufferable time of perhaps two hours, and confines him, not exactly in darkness but in solitude and in silence, away from his playmates and companions, no longer master of his freedom. And the father would do this with his heart running over with sympathy for the suffering he must inflict. But the judge upon the bench, though his heart is tender, hardened by habit, blinded by custom and tradition, sits there and determines whether he shall pass a sentence of two years or ten years confinement as a slave at hard labor among felons, probably dooming his prisoner as a felon for life. Think of it! Think of the penalties inflicted almost at random by our courts, under the name of distributive justice! We must dismiss this conception from our minds. It has no right to be the foundation of criminal law. It must be left out of sight, before the true purpose of penal laws can be grasped.

Another point upon which I would like to dwell for a little, because there is so much illusion about it, is the deterrent effect of punishment. A judge who condemned a man to death was asked by him "Will you hang me for stealing a horse?" And the judge replied "No, I hang you not for stealing a horse, but that horses may not be stolen". He would use this prisoner to deter others from the offense. This pretext is adopted to justify vindictive penalties, because the idea of vengeance, of distributive justice, was fading out from the minds of men. But it is no less an absurdity, without value or scientific foundation. Statistics and history show us that when punishments were most vindictive, when 160 acts defined as crimes were punished by death under the English law there was no more deterrent influence of law upon crime than now. Crimes did not become more frequent when sentences became milder. We should go back to those punish-

ments if we really believe in retributive justice, for if each man were treated according to his desserts which of us would escape hanging? If the aim of the law is to inflict deterrent punishment it will be much more effective if offenders are made really to believe that they will be hung than by the worst of prisons.

The only aim on which we can rationally found laws against crime is that of preventing crime for the future. The best prevention is the reformation of the prisoner. If he cannot be reformed, he must be restrained. One of the most valuable features of the indeterminate sentence is its treatment of incorrigibles. It provides that when a man's freedom is dangerous it shall be taken from him. And if he is a man who can not be safely trusted among his fellowmen then he must be sequestered from his fellowmen until his death.

The first principle in dealing with crime is that no man should ever be imprisoned under any circumstances until his imprisonment becomes necessary; that is, until it is clear that his freedom is inconsistent with the safety of society. This simple maxim ought to commend itself to the attention of every earnest thinker, and every Christian man; and, once adopted in practice it would reduce the prison population of the United States twenty-five per cent. to-day.

Mr. H. M. Boies, of Scranton, was asked to take part in the discussion.

MR. BOIES.—These are great papers and I am glad to have heard them. It is from the reports of the meetings of this National Prison Association that I have derived most that I know on this subject. The people not only of the United States, but of all civilized countries have become familiarized with the opinions and the convictions of this body of men who have given so much thought to the subject, through the publication of the proceedings of this Association. Most of the prisons in the United States are now managed with intelligence and efficiency. So far as the mere management of the prisoners is concerned there does not need to be much more accomplished by our organization, yet we are confronted with this startling condition that notwithstanding this progress in the care of prisoners crime continues unabated. The whole system which we have perfected seems futile in repressing crime. Crime continues to roll up relentlessly with the great bill of six hundred millions of dollars a year, as stated in

his carefully prepared paper by Mr. Eugene Smith, of New York, in the meeting at Cleveland. And the public continues to pay it, apparently without any effort, until quite recently, to decrease the bill.

I think these two papers mark the high tide of penological science in this country. I endorse every word that Mr. Lewis has said. Every human being is ductile when he is young and can be moulded into almost any character according to the influences exerted upon him. Parental care therefore is the first thing that we are to rely upon for the prevention of crime. Ninety-eight per cent. of the people of the United States are not criminals; they are law-abiding people. Now this other two per cent. who are not law-abiding, who perpetrate crime and roll up this bill of six hundred million dollars, need the instruction which the rest have enjoyed. But, as Judge Tuthill has said, it devolves upon the state to provide it and it should provide it so early in life that it shall be efficient. And the first step is the establishment of juvenile courts for the arrest and reformation of those under sixteen years of age. I am delighted to hear what has been accomplished in Illinois in this direction. Their law, in my opinion, is somewhat deficient in that it does not provide for all the probation officers who are needed. There is where our own law has been rendered almost useless. No probation officers are paid, nor is there anything paid for the support of the children. Some of them are consigned to the care of the Children's Aid Society. The judges are compelled to send most of the children who are convicted in this court to the house of refuge. The number of those in our reformatories and in our prisons who have passed through the house of refuge is constantly increasing. This is not because the management of the house of refuge or of the school at Morganza is defective, it is because not only the criminal, the degenerate, the vicious and the depraved are sent there, for ninety per cent. of those sent there are not of the criminal class and might be reformed and restored to society if they had not been sent there, who are contaminated by contact with the ten per cent. of the vicious. Therefore they rather help criminality than prevent it. I look forward with great interest and hope to the time when every city in the United States and in the civilized world shall take care of its children in such a way that crime shall be prevented and the criminal class shall be

decreased instead of increased; when the indeterminate sentence shall be used where every criminal is confined until he ceases to be a criminal. There is the solution of the great question.

Pardon me if I add a word about the prisons of Japan. I had the good fortune to visit two in Tokio, in one other place, where 800 were confined on short terms, and the penitentiary in Tokio, where the long term men were, 900 of them. The first observation that I made was that there seemed to be just as many degenerate among the long term men as we find here. The prisons are conducted on the principle of getting as much out of the men towards their support as possible, and without much thought or care for their reformation. I was not able to find out what their ideas of reformation were, as I was talking through an interpreter. They had a Shinto priest and there was a little temple in each prison. The prisons and cells were not so large and commodious as we have. There were walls enclosing all the buildings. They sleep fourteen in a cell and are turned out early to the workshops. They receive no tea, no coffee, no tobacco, and nothing whatever for comfort and enjoyment.

Judge Beitler, judge of the Juvenile Court of Philadelphia, was asked to speak.

JUDGE BEITLER.—I will speak for a minute or two upon the administration of the juvenile court law in Philadelphia. It went into operation in July last year and up to July of this year there had been 1,400 cases in that court, of which half were delinquents and half dependents. Of the 700 delinquents less than fifty were sent to any institution for punishment. No boy can be sent to a reformatory in Pennsylvania who is under fifteen. The juvenile court applies only to children under sixteen, so no boy could be sent for more than a year to the Huntingdon Reformatory and no boy has been committed by the juvenile court to the Huntingdon Reformatory to my knowledge. They may be sent to the house of refuge, which is an admirable institution. It fills a necessary place, but its warmest admirer would not claim that it takes the place of home. Out of several hundred committed to the care of probation officers forty were returned to the court for subsequent treatment. Of the forty there were thirty-seven who came back but once; twenty-one came back twice and one boy was brought back a third time and was then committed to the house of refuge.

He is now waiting for the supreme court of Pennsylvania to determine the constitutionality of the juvenile court law. The juvenile court law is based on the principle of common sense. It recognizes the old maxim that an ounce of prevention is better than a pound of cure. For a hundred years we have had that maxim, but we have not lived up to it, except as driven to it. The business man, the farmer, the physician, pay some heed to it, but it has been left to this century to apply a rational method of preventing crime, which is better than the cure of crime. We spend millions on our prisons, but the juvenile court law depends on good people to provide probation officers that we may in this way try to nip crime in the bud. The way to stop having criminals is to begin with the boy and have a watchful eye over him. It is there that the juvenile court law has its great good. The keystone to that law is the probation officer, and I should look with disfavor on any proposition to make him a paid officer or an appointee of a political clique or party. I would have them as they are to-day, one maintained by the Children's Aid Society, another by a Hebrew society, another by the Catholic Protectory, another by an Orphan Society, another by a boys' club, and five or six others. They serve from a sense of their duty to humanity. Three noble women attend every session of the court, looking after every case confided to them and receiving no compensation save a vote of thanks on the minutes of the society and the thanks of the court and of the boy and the boy's parents. One of our probation officers in a district inhabited chiefly by foreigners, is known as "the lady cop", and that very fact shows why the work has been efficient. She is classed by them as an officer of the law, but her commission is simply from the court as probation officer, serving without pay. Yet she can enter the home anywhere; she is sent for by fathers and mothers to confer with them as to what to do with a boy, how to get him to go to work, etc. She is a representative of the state in the paternal care of the children and she is often better than if she were a paid officer of the law. That woman has had many experiences, one of them I recall that occurred not long ago. A boy was arrested for stealing from his employer in such an ingenious method that if it had been done by an adult we should have thought he was a professional. The probation officer found out that he had good parents and that the

boy was repentant. She promised that he would repay the employer if the man would take him back. The man was a German. He declined to do so. He insisted up to the last moment that the boy must go to jail. The probation officer said to him, "This is your last chance; if you take the boy back you will get your money, if you send the boy to jail you will not get a penny. The man said "I will take him back". He took him back and the lady told me four or five months afterward that the employer said he was one of the best boys he had and that when he was old enough he would make him foreman. This would be enough to convince any one that the juvenile court is a good thing. A boy often errs because he does not know any better and the only way he can learn better is to give him another chance. If he has taken a wrong step we should warn him and if he does wrong again again bring him back to the court. The probation officer is his friend to watch over him. It used to be that when a boy came into court the judge had to either send him home or send him to jail. If he sent him home all the boys knew it and thought it was a trivial matter. But if the boy goes home and it is known that he has to report once a week as to his conduct and that if he does not he will be sent for by the court, he feels that has not been dismissed from the court, but that he is still within its grasp, and the boys know that too.

I am convinced that we should have a juvenile court in all cities with probation officers.

TUESDAY—MORNING SESSION.

The Association was called to order by PRESIDENT WOLFER at 9:35 A. M. Prayer was offered by REV. E. A. FRIEDENHAGEN. A telegram regretting his absence, from LIEUT. COLONEL A. G. IRVINE, warden of the penitentiary at Stoney Mountain, Manitoba, was read by the Secretary; also letters from MR. CHARLES REEVE, of Indiana; from HON. S. J. BARROWS, Secretary New York Prison Association, and from MAJOR R. W. McCLAUGHRY, warden of the United States penitentiary, Fort Leavenworth, Kansas.

The letter of Major R. W. McLaughry and the telegram from Lt. Colonel Irvine are printed on a preceding page.

INTERNATIONAL PRISON COMMISSION.

LUCERNE, August 31, 1902.

MY DEAR MR. MILLIGAN :

The International Prison Commission has just finished its labors and prepared a programme for the next Congress at Buda Pest. I am sorry that I cannot get home in time to attend the meeting of the National Prison Association at Philadelphia, but the early date of the meeting renders it impossible. It is so natural for birds of a feather to wish to flock together. Well, give my fraternal greeting to all the other prison birds of whatever species, together there assembled.

Instead of visiting old prisons, I have spent some time in visiting the newest and best prisons in France, Bavaria and Switzerland, and I hope on my way back to visit a new prison in Holland. I think we have a good deal to learn in our country with reference to prison construction. We seem to adhere obstinately to a type of prison which excludes the direct sunlight and air from every cell, while in Europe they are building their prisons so as to have light and air directly in every cell. The bearing of this construction upon the treatment and prevention of tuberculosis is of the greatest importance. I have been promised plans of some of the most important prisons. We have nothing in the

United States that I know of that in perfection of construction will equal the French prisons at Fresnes and the new Bavarian prison at Straubing. Mr. Batt can bear me out with reference to Fresnes.

The Commission has chosen sixteen topics for the programme of the next Congress. In the first section, in relation to criminal law, the questions to be considered are the subject of fines and for what offenses they should be prescribed; what are the essential elements of offense in the swindling; should the receiving of stolen goods be considered a special offense or an act of complicity? improvements in the jury system.

In the second section the subjects are: The moral classification of prisoners; should repeaters be obliged to work when held for trial and should the time awaiting trial count on their sentence if they work voluntarily; should prisoners be allowed indemnity for accidents arising from labor in prison; is it necessary to create special establishments for habitual drunkards and for persons of limited responsibility, and how should they be organized; Should agricultural labor and labor on public works in the open air be authorized for prisoners, and how organized?

In the third section will be treated, alcoholism and its relation to crime; the prevention and treatment of tuberculosis in penitentiary establishments; the limits of state intervention and aid for discharged prisoners.

In the fourth section, relating to children and minors the questions refer to the protection by the state of the children of prisoners; the creation and organization of establishments of observation for young delinquents; the regime to be applied to delinquent minors sentenced to confinement and the most effective means for the preservation of children morally abandoned and the reform of vicious children who have not committed any punishable infraction.

You see that there are some old questions and a few new ones in the programme and that some of them are large and some extremely important.

Perhaps you will communicate the substance of them to the Congress at Philadelphia. Later I shall prepare and send around full translations and explanations of the questions.

Hoping you will have a pleasant time in the City of Brotherly Love and learn still more how to apply love and fraternity to erring humanity, I am

Cordially yours,

S. J. BARROWS.

PLYMOUTH, IND., Sept. 4, 1902.

Rev. J. L. Milligan, General Secretary N. P. A., Allegheny, Pa.:

MY DEAR MR. MILLIGAN:

I am notified by his Secretary that the Governor has appointed me as a state delegate to the September session of the National Prison Association, and expressed a wish to have me attend.

I need not say that I would be greatly pleased to do so, if old Father Time had been less strenuous in his treatment of me. I am greatly obliged to him, however, for having been as gentle as he has. Otherwise, I would not have passed my four score, and still be somewhat "green at the top" tho' badly wind shaken below.

Physically, I am very feeble, and nearly blind. I do not go out without an attendant, and dare not take any risks by travelling away from home. Except in the failure of memory of names, intellectually I feel much as I always have, and seem able to analyze and reason fairly well.

Of course, I take note of the action of reformatory bodies, the results of efforts for social and economic reforms as they come before me in reports and the general journalistic notes of the day, but fail to find myself in entire harmony with many of the hypotheses and so-called theories proposed, and am somewhat impatient with the failure—or rather refusal—of their authors and advocates to recognize that no true or beneficial progress can be made without the proper adjustment of the elements involved, both in the subjects to be reformed and in the methods of reformation.

The defectives for whose improvement efforts are made are all mal-adjusters, physically and mentally; the latter because of the former, both forcing the same condition socially. Too much is expected of scholastic education, and so-called religious teaching. Without a properly prepared soil no seed will germinate and fructify advantageously with any kind of cultivation. Just so no moral perception or moral will can be profitably and successfully created and made useful unless the faculties exist and

are in such co-ordinate harmony that ethical and religious seed can find a congenial soil and practical cultivation. Like other animals, human organisms are moved largely by impulse primarily. Observation and comparison, and the ability to reason are of slow development and growth. Where the organism lacks harmonious adjustment, or is mal-adjusted, the animal impulses are always dominant. The perception, observation and comparison are not of the character that lead to the creation of ethical force, and until there is adjustment and harmonious co-ordination, physical and mental, there can be no such moral perception and moral will as can control the impulses to act, and education will not find a congenial soil in which to germinate.

The ethical force which enables one to distinguish his own place in the social line, his necessary relation and duties to others and to himself has little effect on those whose mal-adjustments leave them to the promptings and guidance of impulse alone. The individual who is so adjusted that he does not comprehend that true economy is "the scientific government of the household", whether that household be a family, an association, a municipal corporation, a state or the nation; and that true economy alone will create ethical force, maintain order and harmony, recognize the forces that disturb, derange, and then bring about re-adjustment and equilibrium, cannot be scholastically educated in the mental condition that will make him the master of his impulses, and make them subservient to dictates of wisdom. Many of us have exerted ourselves for years to improve and better our mal-adjusted fellows, and my experience has brought me to the belief that we have labored largely not only at cross-purposes, but against the grain of the teachers.

Mere cramming of the children and youths with scholastic knowledge is not true economy, therefore not true teaching. The fundamental study should be *paidology*—(is that the word) a knowledge of the child, the individual to be reformed, to be educated. To know what is the adjustment or lack of it? To know what it can be taught and by what methods it can be done. It can learn and apply knowledge to use only on certain lines and to certain ideas, and what these are, a study of the child, youth, or defective can alone reveal to us; and then experiment will tell us if our diagnosis is correct. If not we can formulate no reliable prognosis, and follow no judicious line of treatment until our

diagnosis is correct. But our most serious difficulty lies back of this yet. It is in the birth, breeding, and environment of those who develop into savagery, crime, immorality, and vagabondism. We cannot make an impure stream pure by beginning at the outlet. We must begin at the source. We cannot marry prisoners and paupers in the jails and the poorhouses, allow them to breed, and expect untainted progeny. It costs less to the state to prevent the existence of vicious elements than it does to tolerate them and try to purify them. As I have strenuously urged so many years, we can and we must begin at the source of mal-adjustments and prevent or minimize them before we can have any true, practical and progressive reform. I know my propositions are not popular but they are philosophical and therefore true. They are not only true but practical. When once a person has shown himself to be an enemy to morality and order, to social and civic obligations, and unfit to be the head of a family, and as a consequence has become a prisoner in the hands of the state, it is an easy matter to prevent him from again or further contaminating the social sea, or thrusting upon his fellows any progeny that can do it. The process may be tardy but in time it would be effectual as one factor in the means of reformation.

I think often of all the older members of the National Prison Association I used to know. Since the death of Captain Nicholson, of Detroit, Mr. Cassidy, of Philadelphia, Dr. Byers, the absence of Mr. Elmore, of Wisconsin, and other old genial friends I used to meet. I feel lonesome when I think of your sessions. And so many other good men like Wines, Brockway, Brinkerhoff, Dr. Way, yourself and others I used to meet but will never see again, I get clear down into what Sailor Jack calls 'the doldrums'. As I wrote once when in a rhyming humor—which affects me—when young,

"We fashion fine idols to worship when old,
Kneeling at memory's shrine ;
We clothe them in velvet and gild them in gold
And regard them as almost divine.
Time takes them in charge ; the years roll away,
'Till the time for our worship arrives ;
But our idols oft' crumble, our alters decay
And with bitterness memory strives.

What a blessing is hope, while from us concealed
Are the places where destiny waits ;
What anguish might come should there now be revealed
What for us is in store with the fates.

I have seen so many idols crumble and altars decay, as have most men who become old. I infer you will hardly think of reading this before the Association; the garrulous utterances of an old man, but I wanted to send one more word to you since I cannot see you. You have ever been kindly and courteous to me and considerate of my eccentricities, (as I think you are with every body) and I have been grateful.

Please give my kindly remembrances to those who know me or inquire for me, and greetings to all the officers and members who are working in the cause of reformation in the Association.

May all the great forces which work for good have you in their keeping; and may they give a silver lining and golden edge to all the clouds that may gather about you.

Sincerely yours,

C. H. REEVE.

On motion it was voted that no more than twenty-five minutes should be given to any paper or address, and that during the discussion which followed none present should speak more than five minutes without unanimous consent.

On motion it was voted that the usual committee on Time and Place and on Resolutions should be appointed in the usual way. The committees were afterwards named as follows:

Committee on Resolutions: Messrs. F. H. Wines, J. L. Milligan, J. P. Byers, A. W. Butler.

Committee on Time and Place of next Congress: T. S. Wheeler, Colorado; F. C. Sumner, Connecticut; A. S. Meserve, Delaware; F. H. Wines, District Columbia; E. J. Murphy, Illinois; S. B. Davis, Indiana; E. B. Jewett, Kansas; G. V. Green, Kentucky; R. H. Marr, Louisiana; W. T. Haines, Maine; Theo. Cooke, Maryland; A. H. Tribou, Massachusetts; W. H. Bills, Michigan; F. L. Randall, Minnesota; P. E. Mullins, Missouri; Mrs. S. J. Flowers, Nebraska; C. E. Cox, New Hampshire; G. C. Maddock, New Jersey; Geo. McLaughlin, New York; J. W. Holt, North Carolina; Edward Braddock, North Dakota; Gen. Brink-

erhoff, Ohio; J. P. Reid, Pennsylvania; Mrs. W. J. Kenderline, Virginia; C. E. Haddox, West Virginia; J. G. Gilmour, Canada; J. W. Graham, England.

On motion of the Secretary it was voted that an auditing committee of two should be appointed. The following named persons were thus appointed: Messrs. E. S. Wright and Albert Garvin.

The Secretary handed to Gen. Brinkerhoff, Chairman of the Committee on Time and Place, the invitations received for the next year for place of Congress.

MR. MILLS moved that the committee be appointed to publish the program for the next Congress in the papers of the city where it was to meet. The Secretary explained that that matter was left in the hands of the local committee. On motion it was voted that the Secretary should have leave to print reports on probation from Mrs. Elizabeth Tuttle, of Boston, and Miss Ada Elliot, of New York, if received later.

The report of the standing committee on prevention and reformatory work was read by J. A. LEONARD, superintendent of the state reformatory, Mansfield, Ohio.

PREVENTION AND REFORMATORY WORK.

DELIVERED BY SUPERINTENDENT LEONARD, STATE REFORMATORY,
MANSFIELD, OHIO.

Those of us called upon to deal with the never ending procession of young people sentenced to pass through the penal institutions sometimes grow discouraged with reformatory efforts, only measurably successful, and ever to be repeated on new subjects. At such times we feel the pressing need of more effective preventive work so that this stream of crime may be dried up at its sources. We feel that, in fact, it is a two-fold problem that presses for solution. How shall we best prevent the criminal class from recruiting its numbers, and how best win away those already enlisted in its ranks?

True to the spirit of the times, we have looked to science for the discovery of some great law; the breaking of a great light; or at least the revelation of some great truth that would render

our task comparatively easy. To this end all who came in the name of science or revelation were given a full hearing. The disciplinarian, statistician, anthropologist, reformer, educator, and finally, the sociologist, have each in turn made his contribution of more or less value; but the problem still remains unsolved.

In seeking a solution of this problem at the hands of the special sciences, grouped under the name of criminology, we fear that we may have been running after strange gods. It comes home to us that we have spent too much energy in combating simple negations, and attempting to eradicate abstract evils; we are coming to believe in the simple proposition, that the best method to reduce crime is to increase the number of good citizens, that the best way to expel darkness is to introduce light. We have come to believe, too, that the making of a good citizen is not a scientific process but a divine art rather.

A great English philosopher relates that on his journey around the world for the purpose of scientific research he encountered on the seashore of a southern island a magnificent specimen of physical manhood who was engaged in gathering up the fragments of a jelly-fish strewn along the beach. The picture here presented appeals powerfully to the imagination and suggests the most striking contrast in the animate world. The shapeless jelly-fish on the wet sand and the admirable figure standing in symmetric beauty in the sunlight may well be taken to represent the beginning and the end of that creative process which the on-looking philosopher taught us to designate as the evolution of species. The naked savage stands the most highly and delicately organized creature possible in the ascending scale of life. The distance between the jelly-fish and its captor gauged by the difference in complexity of organism and variety of function seems immeasurable; but the difference is no wider than the gulf that separates the savage from the sage who stands by his side. If there be any difference in the matter of physical mechanism, including cranial capacity the advantage would have been in favor of the savage; but supposing them to be equal in excellence of organism, how can we account for the immense superiority of the sage? He attains his superiority over the savage in a way strikingly analogous to the process by which the savage attains his superiority over the jelly-fish.

In man the evolution of species reaches its climax. The social being comes into existence and the evolution of the social organism begins. All this superiority of the English philosopher came to him through what we call social evolution or process of civilization.

The nation or social organism of which he was the individual representative came to its perfection of complex functions through centuries of development; but this splendid type of the individual citizen came to his crowning excellence in one short life time. How? By the process we have above designated as the making of a citizen.

The character of a good citizen is the resultant of many forces—those dominating being the individual will and the public will. It is the chief concern and the principal function of society to prepare the individual to become a co-operating factor in all social effort, and an appreciative sharer in all social benefits; and to this end have been evolved institutions; the home, the school, the church and government. It is evident that the public will should be exercised first, and that in determining the character and destiny of the individual, the public will must take the initiative. Nature has wisely provided for this.

The child is born without will—absolutely helpless and dependent. This god-like power develops slowly in order that it may be trained and directed in its true relation to wholesome subjection to the social will, and the will of God.

The poet has it right when he says: "Three roots bear up dominion—knowledge, will; these twain are strong but stronger yet the third—obedience. 'Tis the great tap root that, knit 'round the rock of duty, is not stirred though heaven-loosed tempests spend their utmost skill."

Let society fail to train the individual to cheerful obedience to all proper authority and it begets an egotist, fosters an anarchist and develops a criminal. The power to conceive of and to discharge ideal obligations is the highest test of individual worth.

But, lest we forget, it may be well to keep in mind the other factor—the individual will. We would not minimize the individual by relieving him of personal responsibility for his conduct and character. However, we feel that the greatest present need in preventive work is to arouse society to a quickened sense of its responsibility as constituting the moral environment,

the defects of which may in great measure be responsible for the bent of the individual, whose long pupilage has subjected him to social influences to the point of saturation.

What then is the pressing duty of the hour in the matter of reformatory and preventive work? I would answer: Do all and more than we are now doing in and out of reformatory institutions in the way of winning men and women, boys and girls away from a life of crime. Do all and more than we are doing in every line of preventive work, from child saving in the kindergartens of the slums, to the colony of ex-convicts in the country. In all this we have done well, and can do better; but when we have done our BEST it will be insufficient; as nothing we are now doing provides for the drying up of the stream of crime at its sources.

We cannot look to government for much direct aid in the prevention of crime. In dealing with this problem it is the function of government to establish and enforce the standard below which the conduct of the individual may not fall without incurring a penalty.

Government takes note of crime rather than sin. It is cognizant of the overt act, not of the sinful disposition or wicked tendency; but we may look to government for powerful indirect influence in preventing crime. Since material welfare is the soil most favorable to the growth of the civic virtues, government can well afford to exert its corrective power in securing better economic conditions for all its people.

Were pinching poverty and sensual luxury materially reduced, if not eliminated from our great cities, the solution of the problem of crime would be well advanced.

Bad government the world over has been productive of crime, and we can, therefore, rightly look to good government to reduce crime by bringing to pass more favorable political and economic conditions, and by exercising a protecting and fostering care over our social institutions; the home, the school and the church—the character-building agencies, upon whose efficiency to discharge their duty to society, depends the integrity and worth of individual character.

And it is to these we are to look for a solution of the problem of crime. The inmates of our reformatories come from the homes of the land, and few of them are found to be entire strangers to the school, the Sunday school or the church.

Our field officer, who goes about the state visiting the young men paroled from the reformatory, and who has opportunity second to no man connected with reformatory work for a thorough study of the problem of caring for discharged prisoners, when asked to what he attributed the downfall of so many young men of the Commonwealth, replied, "defective homes". Said he, "I am not afraid to place a paroled boy in a bad community, if he goes to a good home". When asked what he meant by "defective homes", he replied, "a home that has been broken by death, separation, or divorce; a home in which one or both parents are positively immoral or careless; a home in which no parental control exists".

In order to test these statements I made an investigation and found from the record of the Ohio State Reformatory that three-fifths of the inmates came from what our officer called "broken homes". While it is doubtless true that no country in the world has so many good homes as America, the fact still remains that too many of our homes are below the standard of efficiency.

The child, the individual unit, is born of the loins to the family, the divinely instituted social unit. Here the child, "heir of all the ages", enters with inherited aptitude upon a period of social gestation, from which he should be born a good citizen, possessed of the culture and spirit of the parent society.

Admitting that there are those individuals who, in spite of good inheritance and proper environment, because of persistency of a perverted will and inherent tendency become criminals, we still believe that the dominant factor in the making of a good citizen is the home.

We believe that the individual soul is the entity to which all righteous human effort tends—the universe flowers in personal excellence. We believe, as a rule, that this excellence of personal character will be in proportion to the efficiency of the home; that the integrity of the individual is most largely determined by the sanctity of the family.

Believing this, let us enrich the family life. Let the American home be the salubrious safe harbor where the world's best freight of things and thought shall come to shore.

DISCUSSION..

MR. FRANK L. RANDALL, St. Cloud, Minnesota.—The study of the individual who comes to our reformatory is not carried on to the extent that would be well for him and for society. I believe that the conductor of a reformatory should have a large book with printed questions covering the entire lifetime of the subject, and on his arrival he should be catechised; all his life should be accounted for; the places where he has been, the occupations he has followed, the wages he has received, what he has done with them, the names of his parents, brothers and sisters, the date and place of birth, whether he is in correspondence with his people—if he is not and they are good people, that correspondence should be brought about—his trade if he has any, his inclination if he has any, his education, whether he desires religious instruction while in the reformatory, if so, his choice. I have found that while people say they are members of a certain church that as a matter of fact the most of them are not members of any church. Sometimes their mothers or wives may be. If they have a bearing to one church more than another in the matter of religious instruction, that should be regarded. I believe in inviting discreet clergymen to come into the institution and give religious instruction. They cannot be compensated in money because public funds may not be diverted to sectarian purposes, but if people outside need religious instruction, much more do prisoners who lack it require it.

The men should understand that the first step toward reform is to tell the truth. Some of them cannot do it, some are not willing, and some wish to conceal their identity. But it is important to know all you possibly can about your men, and never relax your vigilance in interesting him. No two men are alike in the institution. Each must be studied and treated by himself. In dealing with him this must be borne in mind that he may understand how some men may go out in one year, some in three, or at some later period. Men should get wages while they are in the reformatory. They may need it for dentistry or for eye glasses or if a man is to have tobacco let him earn it out of his own wages,

and if he does not earn it let him forfeit it when he leaves the prison. Give him money to reach his destination where you have secured work for him. Have a proper person to countersign his reports, and let him report weekly to some particular person. Watch him closely and keep him on parole as long as it seems best. Do not be in a hurry to release him. My experience is that prisoners are not as a body like other people. Those who have committed crime are not average people. Some are deficient, some are degenerate, some are vicious, a good many are diseased, needing the care of physician and surgeon. As a body they differ largely from the body of the people outside.

Many of these men want to go to state prison rather than to the reformatory. They like a fixed term. I do not believe in fixed terms. I had a man sentenced to seventeen years and three months. No one could understand where that three months came from but I said that if anyone could explain the scientific basis on which the judge reached the three months, I could explain the seventeen years.

T. B. PATTON, Superintendent State Reformatory, Huntingdon.—As I have listened to the discussions on the topic of preventive work from year to year I have been more interested in the matter of looking after the younger boys and girls before they get into the trouble which takes them into court. It is an auspicious sign and we ought to feel encouraged, that as a people we are becoming more interested in the young. It would be indeed a happy time if the day should arrive when there should be no need of reformatories and I think when that time does come our state prison shall be done away with. But we cannot lose sight of the fact that it will take much time. We are being educated up to it, but as a prison man interested in the reformatory work I want to join hands with those who are looking after juvenile delinquents. I believe that this juvenile court law is an advanced step, and what we heard last night as to the result in Illinois and elsewhere, I am sorry that we did not have it long ago in Pennsylvania. Let us hope that the law will be sustained here.

So far as the reformatory work is concerned the results in our state have been of a character which have been helpful to a large number of young men who have been brought under the influence of our institution. The same results have been obtained

in other cities. I met a young man since coming here whom I have not seen for a good while, and he expressed gratification that he had ever been sent to the institution for he said it was the turning point in his life. Many observations of a similar character have been made to me. In regard to the matter of probation I hope that we shall secure it and that it will bring us good results.

MRS. FRANCIS A. MORTON, Superintendent Reformatory, Prison for Women, South Framingham, Massachusetts.—In all humility I am proud to say that I am a member of this Association of noble men and noble women who have spent long years in this prison work, longer than I have spent, and I am glad to sit at their feet and learn how to reform the prisoner. I am proud to wear this badge which has been given us, bearing the liberty bell. That bell rang loudly, clearly, grandly, many years ago for liberty, and I hope another bell will ring some day proclaiming that there is no further use for prisons. May God speed the day when that time shall come.

I have been very greatly interested in the papers that I have listened to this morning. Professor Leonard spoke of prevention and the time when the child should be educated. I think we should go back into the great grandfathers' home and educate there; but since they are gone and the grandparents are gone, we must begin with the child as early as possible. After the child has come into these bad homes of which we know so much, how early they are neglected. Almost at birth they are left worse than orphans because if they were orphans some good family or some institution would take them and rear them. They are born in crime, and reared in crime, and they know nothing else, and these dear little children grow up to be adults with almost no education. Many arrive at the years of maturity without the knowledge of anything, without even the knowledge of a home. As they come to me in my institution they come with adult bodies but with child minds. The mind has not matured, the heart has not matured, while the bodies may have grown to womanhood. So I know very little about their childhood because in Massachusetts we have an industrial school that takes the little girls and they do not come to the woman's prison at all. When they come to me they have to come adepts in crime. We take none earlier than sixteen years of age, but from that upwards there is no limit, and we have had two or three who were eighty years old. The

women who arrive at that age in prison are those who have been committed for drunkenness time and time again. They have spent their lives in drink, and they will until they die unless some reformatory institution can prevent them from drinking.

One of the gentlemen spoke about the necessity of knowing as much as possible about the prisoner. In our institution we learn all that we can about the past history of the women and what led up to the crimes they have committed. It is absolutely necessary that the superintendent should know these things that she may deal judiciously with these women. I do not think it is possible to deal properly with any individual person unless you know her disposition and what she has done.

Dr. Frances W. Potter, the physician of the Massachusetts Reformatory Prison for Women, was invited to speak.

DR. POTTER.—There is one phase of the preventive work to which one of the speakers last night referred in which I am deeply interested. This is the phase which belongs to the medical side of the question, but the public as a whole should be more interested in it. The speaker last night referred to the great number of criminals who had come from one family. We have women coming occasionally to our institution who bear children. I know of one instance where a criminal woman was admitted four times, where she gave birth to four illegitimate children. After her time expired she went out and showed that she was able in a certain way to care for those children with the help of the town. She formed a home for them and did the best she could under the circumstances, but what kind of a home was it? It was the center of the criminality of that town. These children went to the same public school with other children, but they never were allowed in the homes of other children. The parents glanced askance if one of those children came to an ordinary home to play with its fellows. These little children were tabooed and ostracised. But human beings are gregarious and must have company, so to this family came the worst people in the town, and by and by there comes another generation of criminals, another generation of illegitimacy, and so this thing goes on and on, no one preventing it, the fathers of the town doling out a certain amount of money for the mother's needs in caring for the children. In this way crime and illegitimacy go on for generations until, as

we were told last night, millions of dollars are expended by the state to arrest, try, convict, sentence and care for the results of this lack on the part of the governing board of the town. I think this is a matter that will be doubtless given proper attention to, but not until people come to see that a man or woman who proves himself or herself to be a confirmed criminal should be put into such a condition that their tribe shall not be allowed to increase.

MRS. SCHROCK, of Philadelphia.—As chairman which put the juvenile court into operation in Pennsylvania, I want to make a few statements.

It was said that the law is not in operation except in Philadelphia. The women's clubs throughout Delaware County, the committee representing churches and organizations, have raised the money to pay an officer and to rent a house in Chester and put a probation officer in one room and a family in the lower floor which takes care of the children, and gives meals to the children awaiting trial. During the week the probation officer goes to different parts of the county.

Harrisburg has a probation officer through the Civic Club; Williamsport, Erie, Pittsburgh have such officers. The Century Club has appointed a committee to go to work to see that the law is put into operation, and probation officers appointed. It was through the Century Club that the probation officers have been furnished to Philadelphia with the exception of some furnished by the Child Saving Society, some of whom have worked with us. The Children's Aid Society, when we had no place to put the children awaiting trial except the prison, has helped us. To our disgrace, in 1900, 500 children were put in prison between six and sixteen, to say nothing of hundreds in the station house. The Children's Aid Society offered to act as a house of detention for the prison. We are a pretty conservative people. Many of our judges have never heard of such a thing as a juvenile court, and this work has brought strongly to my attention the fact that some judges need to be educated in the line of their duty.

JUDGE SEYMOUR DEXTER, Board of Managers, State Reformatory, Elmira, New York.—To be effective a single strand on this topic of prevention and reformation shall be my theme. There are a score of others that I might choose but if I can rivet your attention to one item, possibly I may be effective. That is the

indeterminate sentence. I have firmly believed after twenty years of being entirely conversant with the problem which Mr. Brockway commenced and brought to its present development in the New York State Reformatory, an institution for felons only, an institution in which every member, now over fifteen hundred, would be in the state prison except for the reformatory—that whenever a man or woman is sentenced for a felony it should be on an indeterminate sentence covering the life—if he or she does not become a good citizen of the society in which they are placed. A man is excluded from society but he is not sent there for retribution. The old law, an eye for an eye, a tooth for a tooth, has passed away. A man is sent to be excluded because he is dangerous to the social body. If he is physically, mentally, and morally, in need of reformation he is sent there to build up in the physical fibre, in the mental power, in the moral outreaches. And he must stay there until a habit is set up in the individual, and if that habit is never set up he never should see outside the prison wall again. This is so for several reasons: First, he should never be the father of a child for the next generation. Second, he should never be the little center of moral leprosy in the community into which he might go.

Let us work toward cutting off the fountain at the beginning. Through the indeterminate sentence there is the possibility that the felon who once goes within the state prison, within the grasp of the law, not for punishment, but for exclusion, for education, for development, and if he be so degenerate in will, in brain power, in nervous make-up, in his body, in his mind, that you cannot make him over you must keep him as you keep an insane man, as you keep an epileptic, perpetually. The indeterminate sentence allows all this to be carried out with the aid of parole by which you may keep control over the man when you have sent him out for trial.

Judge S. B. Davis, of Board of State Charities, Terre Haute, Indiana, was introduced as one who had done much to make the state of Indiana one of the leaders in child saving work.

JUDGE DAVIS.—I have listened with great interest to what Dr. Potter said as to the prevention of the increase of the tribe of Ishmael, as we call it in Indiana. It has been wisely said that the eighteenth century was the century of liberty, when men asserted the right to life and liberty and the pursuit of happiness; that the

nineteenth century was the century of women, when women were struggling up from a position of inequality to almost that of equality with men; and that the twentieth century is to be the century for children, when the right of the child shall be recognized, and he shall be treated as a human being born into the world for good or for evil, as those who have the making of his character shall determine and not he himself. We have had a good deal said upon this subject of juvenile courts. They are good enough but they are too late. Indiana has another plan which I think far better. Indiana says that every child is born a citizen and so has the right to protection against anything which will prevent his having the best chance possible. The state owes to that citizen protection against all evil influences in its childhood. It owes to that little citizen education, moral influence and protection against every person and every thing which will bring evil into its life. On the other hand the state has the right to enforce the law of self-preservation, and that no child shall be allowed to grow up to be a menace to society and an injury to his fellows. For ten years I have been taking the infant from the mother's arms and putting it into some sweet home where it would be raised properly to be a good citizen. We do not begin with the juvenile court after the child has become a criminal; we begin with it before it knows anything of crime and there is the place to begin. I think that the most cruel and unjust condition of society that exists—slavery does not compare with it—is the way in which children have been treated in all the civilized world. We have allowed them to grow up on our streets, in our cities and fall into crime and vice without interference, and when they have reached that artificial line called the age of legal responsibility, have dragged them to jail, that common school of vice. We have even sent them to the universities of crime—the penitentiaries, and have made them the enemies of society and all that is good. The way is to begin with the child before it knows any of these things, and make of him or her a good citizen. I have known a child in arms drunk from intoxicants drained from its mother's breast. Has society a right to let that child grow up under such conditions? If we saw a mother rush into a river with a child in her arms would not everyone dash to rescue it? Yet we allow mothers to lead them into evil without interference. There is no justice in it to allow a child to grow up under such conditions, and

then punish him. Society is responsible and not the child. I say to every one of you, and I have carried this burden on my heart for twelve years, let us so act that it will not be said of us on that last day, "Inasmuch as ye did it not to the least of these, ye did it not unto me, depart."

BISHOP SAMUEL FALLOWS, of Chicago.—I want to be practical in what I say. We must begin at the beginning, and the beginning is with the father and with the mother; that means the home. Father and mother are the divinely anointed priest and priestess of the home. In the home is the school, in the home is the church, in the home is society, in the home is government. We must therefore begin with proper marriages. We wish it were true that all marriages were made in heaven, but some of them have a little sulphurous odor connected with them. Let the child then be born into a home which shall be typical of the home beyond. It is true that of the inmates of the Illinois State Reformatory three-fifths came from defective homes. But just let me say this: There came to the reformatory a boy from one of the best families in Chicago, whose father occupied one of the most prominent positions in one of the largest churches. The boy came as a thief, and the father and myself discussed together the reason why this boy from one of the best families, with one of the best fathers and mothers, should be found in that institution, and the solution of it was given me by the father. I give it because the minister and the physician of an organization like this must emphasize the truth. Why was that boy there? The father said, "I will tell you. Before that boy was born the mother conceived the idea that I was selfish and would not give her money enough for her wants, and she surreptitiously took from my pockets money to supply her fancied needs, and this is the result of ante-natal impressions."

Let us then begin at the beginning and have the best conditions of parenthood for the children that are to be born.

Judge Tuthill, of Chicago, was invited to close the address.

JUDGE TUTHILL.—I have not come here prepared to discuss any form of criminal law for the different states and territories of the United States, for I do not feel that I have sufficient knowledge of all the existing laws. They all differ in the different states. If there is anything that should be approached with the greatest care and consideration, it is changing old laws and enacting new

ones. This can be done upon full consideration of the whole subject by men who are specially qualified and delegated for that purpose. There are many changes in the civil law which should be made, many changes in the criminal statutes which should be made, but the profession of law has always been very conservative and it is a conservatism that while productive of excellent results in many ways, sometimes prevents new departures that could be made better under other forms of government than under ours. It is known to all lawyers that in England, which is the older country, and from which we get our laws largely and our institutions and methods of procedure, there have been greater changes in twenty-five years than in the different states of America. In Illinois two years ago we had a commission appointed by the governor, and the Bar Association selected from our best lawyers who went over the subject of law reform in our state. They had sessions in the different large cities of the state where lawyers and judges came before them to tell them what they thought should be done in the direction of law reform. The result was that the commission prepared an elaborate system of amendments, especially of the civil law, and presented it to the legislature, but so strong was this feeling of conservatism among the legislators—many of them lawyers—and so brief was the time for discussion, that nothing was accomplished. We hope that the next legislature may take the matter up and enact it into law.

As a judge upon the bench, having been upon the bench and administered law, such as it is, for sixteen years, I do not feel upon the present information I have as to these laws in the different states, like declaring any definite, specific legislation which it seems necessary to adopt. In a general way I think if we want to do anything towards helping to make the world better, towards improving it, we must not step with our tin cup to the side of the stream and dip out a cupful and boil it and filter it and clarify it, for the stream goes on just the same. The only sensible thing to do is to go to the fountain-head, find where the pollution comes from, and clean the stream there, destroy the germs of poison at the source which make the whole stream unwholesome. Then it will be pure for all. That is what we can do under the laws as they are at present. Too often people, when they are in trouble, when they say there is a wrong in the community, something that ought to be corrected, say we must

pass a new law, where if people would only use the laws they have, if they would interest themselves in enforcing and carrying out not only the law, but exercising common sense with reference to the change which is desired, nearly everything could be done.

As I told you the other night, this juvenile court law of Illinois has worked well with us, and I know that it will work well anywhere if it is administered in the true spirit of the law. My brother from Indiana says that in Indiana they do not have a juvenile court law, but something better, something that will take charge of the child in the beginning of its career. If he has read the juvenile court law he will find this law takes jurisdiction of the child from the day of its birth. It takes care of the mother before the child is born, places her in proper surroundings and sees that she is humanely and kindly treated. Indiana is a great state, and I have no doubt the laws are administered with a humane spirit, but it would not hurt in Indiana or anywhere else to have this work especially under some judge and court so there should never be anything to come to any child from the time it enters the world until it passes to the period of maturity, which is not for its welfare. I believe that the juvenile court law ought to be enforced in every county in the United States. You may call it a juvenile court law or by some other name, but the duty should be imposed upon some specific court of record, some court of high jurisdiction with judges whose duty it shall be to look after each individual child. I am sure it is a necessary and wholesome law, and I hope the time will come when this law or something similar will not only be enacted in every state but enforced in every county.

This law has not been enforced in all the counties of Illinois because the state has no place to which it can send delinquent children under sixteen.

In Chicago we have a place where we have been sending children. Every judge of the circuit court in Illinois has power to open and hold a juvenile court and it ought to be done and I am sure it will be done. I think myself, that this juvenile court law in its present form is not perfect, it might be improved, but if you will purify the source of the stream with the law as it is, administered in a common sense way, it can be exercised for the benefit of the children. Courts can do much because they have power. There is no one to say aye, yes, or no.

I agree with what Professor Henderson has said as to wardens and heads of institutions. They should have power, and should be able to select and discharge their own employes, and should be held responsible for the administration of their trust. I remember some years ago I was at Traverse City and I visited the insane asylum and it seemed to me an admirable institution. It seemed as quiet as an ordinary family, and I asked the superintendent where the distracted patients were sent. He said that he had as many in his institution as in others. I asked him about his employes then, how they were selected. He said he selected them himself and sent them away if he found they were not fitted for the work. In that sort of administration with common sense at the base of it, and conscientious administration, great things may be done.

I am glad to see so many earnest people together. It is good for us to meet each other and to look into each other's eyes and realize that we are working together trying to make the world better. Let us dismiss all personal feeling and have each the desire to do the best we can. We shall then have the best results. The Almighty did not make us all alike and He intended that out of this mingling of diverse characteristics the best results should be obtained. Let us continue in this work in sincerity, each doing what his conscience tells him to do. Let us not have personal ambitions to subserve, only the desire that the result shall be good. I thank you for your attention.

FRANCIS B. LEE, ESQ., State Charities Aid Association, Trenton, New Jersey.—So far as we have gone in our consideration of the question of criminal law reform we have found that it is necessary first that society must be protected; second, that the way to protect society is to decrease the number of criminals; third, that the way to decrease this number is to begin with the child. But then the inherited and criminal tendency together with his surroundings are what are going to make him the criminal of the future. How to prevent that the best thought of the time shows, is by the adoption of the probation law and the indeterminate sentence. These at least are the twin guiding stars of the new movement in criminal law reform. But there is one phase of this problem that, strongly appeals to me, the phase which at the present time I believe has been but little discussed by this Association. You have heard the doctrine of probation

and the indeterminate sentence discussed. You have heard men eloquently present these fundamental principles, but in glancing over the field we find that society in its duty toward the criminal has to a large extent interfered. We who have come here to-day are interested. Some of you are technically connected with various institutions and are deeply interested in the solutions of these problems. Judge Tuthill, who has come here from Illinois, and Judge Fort, who has come from New Jersey, have given the closest study to these problems, but what of the county commissioners, what of the grand jury, what of the great mass of people more or less connected with the courts over which their Honors sit? I say to you that these people are uninformed upon the problems most vital to them.

Unquestionably this problem of the attitude of society toward the criminal, whether considered as a social, a political, a moral or a purely financial problem, is the greatest problem that this country has had to consider since the days of the anti-slavery agitation which swept the country into the civil war. Any man who will stand to the front to-day in this matter stands in the light of a true reformer. He must deal with the mind of the people, he must try to bring up the public toward the position he himself occupies. Remember to-day that the great mass of the people of this country who form legislatures, who act as county commissioners, as county supervisors, as judges of courts, as constables, look upon our system of criminal law as practically an exact science. The criminal lawyer assumes, and in all honesty, that he is a scientist dealing with a well established scientific hypothesis, and yet to-day we find those who believe that the system to a large extent is entirely wrong. How are you going to reach the moment, and the legislators who make the laws, in the best way, on this subject? Remember that there is also in the public mind to-day a belief that the criminal law which we have inherited from England, and which England adopted out of the Jewish theocracy, which was the *lex talionis*, that this law is of divine origin. When people talk of the origin of criminal law they throw themselves away back into mediæval times, and then into the days of the Jewish establishment, quoting the penalties of Leviticus and forgetting the spirit of the Sermon on the Mount. Remember further that the fines and penalties imposed by the English common law have their origin in retribution and justice, of the primitive type of man;

something in it of the doctrine of an eye for an eye and a tooth for a tooth, of personal retaliation in the administration of the criminal law. I do not mean that grand juries and judges do this, but you find expression of it on the street, that a man when sentenced "gets exactly what was coming to him." You will hear this doctrine on the street when a policeman who is practically the living exponent of the criminal law to the great mass of citizens, will arrest a man who resists, use his night or day stick to accelerate the man's pace and someone, perhaps a man of intelligence, will say "Give him a couple of thumps for good luck", that is the spirit of retaliation. Until you reach the popular heart, and change the thought of society toward the criminal, you have before you a vast undertaking. We may stand here and theorize about the solution of this problem, but humanity controls the solution after all. We may believe that we are right, but the tax-payer is the test. With such a view it is natural to ask how will you reach the public then? People to-day are amenable to education along certain well defined lines, not usually by means of lectures; generally by means of the press. I would suggest in all seriousness that one of the most vital things that this Congress should consider is how the reform of our modern criminal law can be accomplished. How shall the address of his Honor from Chicago, of the distinguished jurist from Indiana, and of Judge Ford, from my own state, reach the widest circle of readers throughout the United States? These gentlemen spoke eloquently and admirably but to a few of us. What we want to do, is to have those words of theirs go before the people in printed form so that they may be read from Maine to California, from Minnesota to the Rio Grande. I believe that we must teach the people in this way, that the people may teach their legislators. I believe that this Congress, if it had a press bureau which could send to the newspapers of this country directly all such material, it would be of great value.

DR. CLEVELAND A. HALL, of Trenton, New Jersey.—In this great matter of criminal law reform and development I believe fully that the fundamental need is for the legislators, and for the great public of thinking citizens who stand behind and see the law enforced, is to realize the principle of social development. I am an evolutionist and I believe fully that the wrong acts of one age are not very often the wrong acts of another age, and that the

crimes of one period are entirely separate and distinct from another period. The higher the civilization the more numerous become the forms of crime. That will account for much of the increase of criminals in our statistics. It does not mean that the world is growing worse, but that the world is growing better. In every gain in civilization you will find men and women who will oppose that gain by acts which become crimes. Now, in order to have those acts punished we must not only have new laws entered on the statute books, but a public educated to realize that those acts are bad, and that it is for the social welfare that they should be punished. On the other hand there are many acts formerly bad which as society advances cease to be bad, cease to be regarded as crimes, and the old laws should be erased from our statute books. We regard cuffs and blows as serious offenses; for many centuries these were not punished nor regarded as crimes and rightly so, according to the judgment of that age, because man was regarded as a fighting animal, cuffs and blows were not regarded as criminal, because it was thought necessary that a man should keep in constant training for his life of warfare, a life in which he could be of little service to his social group. The crimes of forgery and bankruptcy are modern crimes. Only a little while ago fraudulent judges could not be punished under the laws. To realize these things is to see the need of change in criminal law, but law will never be enforced until it be demanded by public sentiment. As James Russell Lowell says:

He who would win the name of truly great,
He understands his own age and the next
And makes the present ready to fulfil
Its prophecy. and with the future blend
Gently and peacefully as wave with wave.

CAPTAIN SAMUEL C. LEMLY, LL. D., Judge Advocate General U. S. Navy.—We have tried probation on a small scale in the navy with men not criminals but who have committed military offenses, and who under ordinary circumstances would be sent to prison for terms from three months to two years. Our real criminals are sent to the state penitentiaries, generally to Wethersfield, Conn., or to San Quentin, Cal. Occasionally offenders are sent to the prison at Boston where we have a prison

that will accommodate about 150, which however, we are thinking of soon removing to the vicinity of Portsmouth, N. H., where we hope to build a model prison. We in the navy are admirably situated for carrying out the probation system because we need no probation officer. We simply withhold action upon the sentence and let the men go on with their duty. They are constantly under observation. During the past year, ending June 30, which is the first full year we have had the probation system, we have had the following men put on probation:

Statement relative to probationers in the U. S. Navy for period from July 1, 1901, to June 30, 1902:

On probation July 1, 1901	20
Put on probation during the year	32
Unconditionally restored	17
Deserted	4
Required to serve sentence	5
Discharged as undesirable	3
Given "ordinary discharge"	1
Discharged as provided by sentence, on account of expiration of enlistment	1
Discharged as provided by sentence, on account of petty offenses	1
On probation June 30, 1902	20

REV. WM. CLEKMAN, D. D., of Atlantic City, New Jersey.—For a year and a half I have been acting as a probation officer. My experience as a pastor for forty years gave me some qualifications for this work and my probationers come within my purview as parishioners. I have been convinced that no probationary officer can accomplish good work unless he has his heart in it and unless he is willing to give personal attention to each individual case. When you are dealing with men fifty or sixty years of age and with a boy of ten perhaps, you have got to carefully understand the idiosyncrasies of each case and adapt your system of treatment to the individual. Sometimes my probationers report every week, sometimes once a month. These men must be considered as placed in our hands to be interested in them, not for a brief time but so long as they live.

MR. W. H. ALLEN, Secretary of the State Charity Aid Association, New Jersey.—One of the chief arguments against employing probation officers is that it is an expensive system, but we have succeeded in employing this auxiliary in several counties in opposition to the charge that the probation officer is an additional expense. We have written letters to various judges saying some such thing as this: There are people in your county who believe that a probation officer will be an expense to that county. Permit us to suggest that if you had had a probation officer and he had done the same successful work that the probation officer has done in Hudson county, you would have saved so and so much ———, figures being gathered from their own reports—in prison board. You would have saved so much in fees. You would have saved so much for help given to families. Contrast that with the cost of the probation officer and you will find in dollars and cents that the probation system would have been a saving of perhaps 200% for your county. In addition to saving the county expenses you must think of the moral influence exerted by the probation officer. This is a pretty hard proposition for a judge to meet. Since we have taken that up, out of five counties we have four with probation officers. I believe this is unanswerable and that if the judges thoroughly understood it there is not one in ten who will dare to refuse to appoint a probation officer..

REV. E. A. FRIEDENHAGEN, Topeka, Kansas.—West of the Mississippi river we have begun to employ probation officers. When the law for Missouri was enacted, the intention was to cover St. Louis and Kansas City, but the law was found to cover St. Louis only. One hundred and fifty-five boys and girls have been put on probation there, and only one remanded to court. The people of Kansas City have appointed a probation officer under the influence of Dr. Hopkins, now the president of Williams College, and over three-fourths of the probation cases there have been successful, and we believe that next winter we shall get the law extended. We wish also to get such a law for Kansas, and if the ladies and gentlemen interested in this subject will furnish me with information, I will see that it gets to the workers.

TUESDAY—AFTERNOON SESSION.

The Association was called to order at 2:30 P. M. by the President. He introduced Mr. Albert Garvin, warden of the Connecticut State Prison, Wethersfield, who presented the report of the standing committee on Prison Discipline. WARDEN WOLFER presided during the session.

REPORT OF COMMITTEE ON PRISON DISCIPLINE.

BY HON. ALBERT GARVIN.

Mr. President, Ladies and Gentlemen:

The perplexing problem of prison discipline, in its varied aspects, has been threshed over so many times at these congresses that it is only with considerable hesitancy that I venture to approach the subject for further discussion.

Discipline, in one form and another, is a fundamental feature of government and of the social order. The disciplinary laws and rules that have from time to time been placed upon our statute books by congress and legislatures fill volumes and comprise a large fraction of the total body of federal and state legislation. Cities and towns have their local codes and regulations. The church has its discipline. Social progress depends on established rules of conduct. The absence of discipline would beget general confusion and anarchy.

DISCIPLINE OF OFFICERS.

In discussing the subject of prison discipline I propose in the first place to say a word concerning discipline among the officers. The executive authority in a prison, if a high standard of discipline is to be secured, must be largely concentrated in the hands of the warden. Within limits he should be given large freedom of action and then be held responsible for the achievement of results. If the control of the appointment and removal of subordinate officers is not vested in him efficient discipline can be maintained only with difficulty if, indeed, it can be maintained at all. In

many penal institutions political pull rather than presumptive or proved fitness is the requisite condition of appointment. Although the administration of many prisons is seriously marred by politics, recognition of the fact that prisons and reformatories should be absolutely divorced from partisanship on the ground of incompatibility of temperament is steadily gaining ground.

In the successful management of the inmates of prisons the first essential is the discipline of the governing and administrative power. Control of others depends on self-control. This vital fact is not less true of a prison than of a school or of the army. The rules and regulations relating to the duties of the officers are, therefore, highly significant factors in the management of convicts and in any scheme for the improvement of their habits and character. Obviously, then, if the reformation hoped for in the prisoners is achieved the morale of the officers must be of a high order.

DISCIPLINE OF PRISONERS.

With reference to the discipline of the convicts I beg to emphasize my belief that the rules and regulations should be short, plain and comprehensive. In my opinion the regulations in many prisons and reformatories are too elaborate and complex and tend to educate the prisoners to live by rule rather than to develop self-confidence. There are no printed rules governing the congregate dining-room which has been in operation in the Connecticut state prison for the past ten months, and yet good table manners obtain at all times. It is practically impossible to frame rules specifically covering all possible situations in the complex life of a penal institution. I have found that a personal explanation to new convicts of the general statutes bearing on their cases and of the general rules of the prison are of great value and permanent benefit.

Hope is the great stimulus in the life of men behind the bars, and laws and rules which provide for the earning of "good time" rewards and of other privileges by good behavior are productive of the best discipline. The infliction of actual physical punishment whether by the lash, strap, hose, electricity, weighing or stretching machine, handcuffing to grating, ball and chain, strait-jacket or other methods, is justifiable when milder forms of punishment, such as reprimands, the loss of "good time" or reduction in grade

standing are inadequate to secure discipline. At all hazards discipline must be maintained, even if death is the penalty. Too great stress cannot be laid upon the absolute necessity of enforcing kindly but firm discipline at all times. Without strict discipline the administrative authority is enfeebled and the welfare of the prisoners is neglected.

Under all circumstances the prisoners should cell alone, and each cell should be equipped with a closet and a stationary wash bowl, and should have an abundance of light and ventilation. Productive labor in well lighted shops, schools in which the attendance of illiterates is compulsory, a library that meets the intellectual requirements of all, an abundance of nutritious and properly cooked food, neat and comfortable clothing, a weekly shower bath with change of underwear, sheets and pillow cases, scrupulous cleanliness everywhere, and a good hospital and surroundings for the sick and infirm are essentials and indirectly are effective aids to discipline. Sunday religious services, Sunday school, a weekly prayer meeting, lectures on interesting topics and perhaps an occasional entertainment are a balance wheel and they promote good order.

The indeterminate sentence and parole system, with a scheme of grading based on prison conduct, helps discipline, tends to develop character along useful lines and fits men better than any other policy to meet the requirements of good citizenship. Moreover, this method of sentence conduces to a reduction of the volume of crime.

An administrative policy embodying the various suggestions and instrumentalities to which I have alluded, with a certainty of work upon release, generally turns a prisoner out in better condition, mentally and physically than when he was admitted. It then remains for him to determine whether he will become a law-abiding citizen or will continue in his anti-social career.

HINDRANCES TO DISCIPLINE.

Three classes of people that sometimes interfere with the discipline of penal institutions and that frequently make the life of the executive heads of prisons burdensome may be mentioned.

The first and least annoying class consists of those usually excellent men and women who believe in the theory of an eye for

for an eye and a tooth for a tooth, with no city of refuge. They make a specialty of arguing that prisons are too attractive and that convicts are better fed, clothed and housed than the honest poor.

The second class is composed of the shyster lawyers that haunt the convict who has money, or who has friends to provide funds for the pardon which never comes.

The third and most embarrassing class consists of the sentimentalists—those good folks who believe that they have a mission to bring flowers to the prison, to read passages of scripture and to pray with convicts that have been sentenced for the most damnable offenses. To rid an institution of this class of well maning disturbers taxes the resourcefulness of the most tactful warden. Healthy sentiment is helpful in a prison, but mawkish sentimentality is neither useful nor ornamental and should be swept out.

To discuss prison discipline in all its details and phases before a mixed audience is impossible. This is the reason that papers on the subject are largely confined to glittering generalities, and this is also the reason that at each of these gatherings, meetings that are not scheduled on the printed programme are held. At these executive sessions only heads of institutions are admitted. Important matters pertaining to institutional management are talked over, and specific cases involving abnormal depravity or extraordinary breaches of discipline are discussed in detail. The knowledge acquired from the interchange of opinion and from a consideration of the effect of different forms of punishment and treatment is valuable to wardens and superintendents of prisons and reformatories.

Official prison service calls for the best heart and brain. A warden should be able to control the men committed to his charge, not alone because in him is vested the arbitrary authority to enforce obedience but largely because his life and conduct are the embodiment of integrity and justice. Discipline obtained and maintained under these conditions commands more respect from the convicted criminal, and fits him better to meet anew the responsibilities of life in a world where the right hand of fellowship is not freely extended unless the recipient can supply gilt-edged recommendations.

Anticipating this paper and desiring to make some comparisons of the rules governing officers and inmates of reformatories

and prisons, I addressed a circular letter in April to 124 institutions in the United States, Canada and Mexico. Replies, however, were received from only thirty-five institutions, comprising three reform schools (Maine, Indiana and South Dakota); four industrial reformatories (Massachusetts, Kansas, Indiana and New York); and twelve prisons in eight states and Mexico. Fifteen other states and territories sent annual reports with practically no other information, while no response whatever was received from Canada. The information thus compiled, though valuable, on the whole, was inadequate for the purpose originally intended. The various documents and replies were submitted to Professor Henderson, of the University of Chicago, who with painstaking care has made a digest of them. The digest is used as an appendix to this paper.

DISCUSSION.

Captain E. S. Wright, for many years warden of the Western Penitentiary of Pennsylvania, was invited to open the discussion.

CAPTAIN WRIGHT.—I am pleased to have the privilege of opening the debate on a paper like Warden Garvin's, to whom prison discipline means something more than to the ordinary man. I have been engaged in the control of prisons for thirty-three years, and it is my misfortune that I have retired with my desire for the upbuilding of humanity as great as ever it was. The object of discipline is to keep men from returning to prison, and making good citizens of them. Ten years ago I was chairman of the committee on prison discipline and at the meeting in Baltimore I made a report for that committee, and while I recognize my child in another form I am very glad to think that Warden Garvin has used a good deal of what I said. But it was not new with me. A man greater than any of us said in 1776 what we say now. Prison discipline is the outgrowth of the American Revolution. Before that convicts without hardly a form of trial were sent practically as slaves to the American colonies. One of the first effects of the Revolution was to provide a new place for these convicts. Three men, the Lord Chancellor of England, John Howard, and one other, wrote a bill to provide for them. They provided for separation, for work, for education and for religious instruction. Work, education and religious instruction should be the three forms of prison discipline and they are the forms adopted now.

Mr. Garvin touches on various practical matters and I think favorably of what he has said. In 1898 when the Spanish war was in progress it was my delight to have the movements of our army and navy given to the 800 convicts every day. They heard of the feats that were accomplished at Santiago, Manilla and everywhere, and they heard it with pleasure. Men in prison are very much like men outside. Their passions are more quickly aroused, their sentiments more easily touched, and this to the man in charge of the prison is an important fact. No man should control merely by whim, but he should select good men to be his subordinate officers; that is the salient point in the paper read. I congratulate the Congress that a man who has risen from the ranks, who has served as officer in four different institutions should have been transferred from a western prison and planted in the East that he may stand before this audience and give us so admirable a report.

Mrs. Francis A. Morton, superintendent of the reformatory for women in Massachusetts, was asked to speak.

MRS. MORTON.—I stand almost alone in my work for there are but one or two other ladies having charge of prisons for women. In the five minutes given me I can give you in brief, our method. I meet every woman as she is brought into the prison because I think that I can manage her better if I give her the first impression of what she may expect as she comes in. I glean as much as possible of her own history, of her family, of what has led her into crime, and then send her with the receiving matron into the prison, telling her that she can come to me at any time to make known her wants or her complaints if she have any. That I am accessible at all times and she is to consider me her friend, not as an officer but one whom she will always find interested in her, heart to heart.

From the receiving room she goes to the probation department. The rule is that she shall remain there four weeks if it is her first term, but I never keep a woman there for the full time. During the winter when smallpox was prevalent we kept all of the women three weeks in the probation department by the advice of my physician, to make sure that no case should break out in the institution. During that time we fumigated almost weekly some part of the institution and everything that was brought in with the women.

While the woman is in probation she is visited by the physician, by our chaplain, and by myself many times. The chaplain keeps watch of her, finds out what is necessary about her, whether she can read and write, what her feelings are, and so far as possible, her religious tendencies. She comes in contact with the matron in charge of the department also. If she is a returned woman we keep her in probation a longer time.

When I take a woman from probation she is brought directly to my office and signs the letter book giving us permission to open her letters and retain anything not advisable to come into the prison, and the same of her letters going out. Almost without exception the women sign these, because they are anxious to hear from their friends and to write to them. I then take the opportunity of impressing upon them that they must while there obey; that they must obey the rules and do what is given them to do. I frequently receive from ten to thirteen at a time and I say to them you are all here to-day because you have strayed away from your home, because you have disobeyed your parents and sought your own gratification; am I not right in saying this? Almost without exception those women reply yes, that is the reason. They confess to having been disobedient, willful, stubborn, as girls. Then I try to tell them that there is a better way for them to live and that while they are there they must help me to help them to become better and stronger women so that when they go out they may take their place where they belong in their homes. I try to teach them the sanctity of the home. I meet them every week assembled together without any officer on the right hand or the left, and we have our little simple motherly talks. I speak very plainly to them. I tell them their faults and where they have done wrong and how they may become better women. We have connected with our prison three libraries for the different divisions.

Our system is graded, four being the highest. Division one is our long sentence women, two years and over. We have a number at present. It is hard to do much for short sentence women because it takes a long time to come under good prison discipline.

The women work together in the work rooms, and they eat together in different dining-rooms. Perfect order is maintained in the dining-rooms. If they were to disobey I should withhold

the privilege of going to the dining-room. They gain more self-respect by eating together and they feel that they are members of a family. I almost never have occasion to keep a woman in her room from the table. In the chapel we have exercises every evening, mass every Sabbath morning, Protestant service after breakfast, Sabbath school in the afternoon, and evening devotions. We all go to all services. We make no difference whatever, and I always impress it upon a woman when she comes in that we have a right to our own views religiously. She has a right to hers and I to mine, and in many instances I say to these girls that if they had lived close to their early training, if they had not neglected their religious duties, they would not have ended in the prison, but that now they have a chance to come back and reinstate themselves. We make quite a point of music in all our services. I was greatly impressed with the music on Sunday at Glen Mills, but I hope to come up to that in time, for our women are very fond of music and enter heartily into the singing in the chapel services.

Warden Wright spoke of giving the news of the day to his men. I always talk to my women of whatever is of public importance. I take my paper to the evening devotions and read to them anything that is of importance, the assassination of President McKinley, the illness and death of the queen, and other public matters, and they appreciate it all.

These women are not there to be cut off entirely from the outside world. They have got to go back into the world again and take their places, and we do not want them to go out, knowing nothing of what has happened. They have a right to know. We read stories to them, in the different divisions, and have a very good school, daily, which is in charge of the chaplain. They are in school every day from one to three. It is only by educating them that they can become better citizens, educating them in every way. We have an evening school. Instead of the recreation period which was formerly given them from 12:30 to one o'clock we give them stories and talks and a variety of things. Whatever of interest comes into our own lives we carry to them and it gives them a feeling of self-respect, that we care for them and share these things with them. They appreciate also that we care for their spiritual as well as their temporal welfare. With the older women, as I have said, we dwell specially upon the

sanctity of home and the need of their preparation to go back to their homes. We have no young girls. They are sent to our very excellent industrial school at Lancaster. The prison is no place for young offenders. They should never be placed with old offenders for many of these women are old offenders even if they have not been to Sherburn before. Many have been imprisoned in other places and they should never have any opportunity to contaminate the minds of younger persons.

As children should never be confined with adults, so women should never be confined in a prison where there are male convicts. They should never be under the same roof. I visited, a few days ago, one of our jails, and to my surprise, I found one of the wings devoted to women. There were only five there, to be sure, but they had no business to be there; it is all wrong. I do not know whether our jails could have a separate place for women or not but under all circumstances they should be kept as far away as possible from men.

WARDEN OTIS FULLER, of Ionia, Michigan.—I would like to add a few words to correct a possible misapprehension of what I said yesterday. I think Michigan is as progressive a state as any in the Union. I said that we used solitary confinement as a corrective, but that when we wanted to accomplish good results quickly we used the paddle and that left the impression that we were barbarians. Every day at four o'clock every convict in our reformatory who has made a good record is turned out and plays base ball for an hour, or plays football and has a good time generally. That is not done with a view simply to amuse him but because I believe that one of the most important things in maintaining good discipline is good health. Health is one of the first things to look after. Every prisoner gets his chance who earns it, and the one who does not earn it does not get it. We have a library of two thousand volumes, covering travel, history, fiction and poetry. We have most of the new novels that come out. All these go to prisoners with good records. Newspapers are distributed among them as soon as the officers are through with them. We subscribe for many magazines, and old ones are sent us by the barrel, which are also distributed. The prisoners themselves subscribe for many Michigan papers. I have never taken any stock in the theory that prisoners are to be so carefully guarded. If a newspaper which is admitted to the home is not demoralizing

to the home, it is not demoralizing to the prisoners. A newspaper to-day is almost the sole agency for education. We learn through them about everything that is going on; we do not get it from text books. We learn about new inventions, new appliances, of electricity. I have not learned anything from text books for twenty-five years. I have learned everything from newspapers; therefore I say that the newspaper has an educational influence, and for that reason I believe it ought to be admitted to the prison.

We use corporal punishment only in extreme cases. I will give you an illustration. I had a man transferred to us who had been in the state penitentiary. He had not been there more than four weeks before he began to tell the prisoners that that was a pretty easy prison. He was a tough. One day he knocked a man down and kicked him, not because he had anything against him, but simply to show the rest that he was a tough, and that the prison was easy. He had been warned several times before that he would be punished if disorderly. Within five minutes after that I had him over a half barrel and applied the paddle. He was then put into stripes, and inside of an hour was back at work in the prison. People talk about that being brutalizing; it is impossible to brutalize such a man. He was a good prisoner after that so long as he was in prison, but he is now serving a term in Sing Sing.

Mr. Douglas Stewart, inspector of penitentiaries, Ottawa, Canada, was invited to speak.

MR. STEWART.—The last speaker dealt with the subject from a reformatory point of view, the discipline which applies to boys and young people. Different discipline is required for different classes. When the speaker advocated newspapers I thought it was a very serious subject. One of the principal dangers in newspapers is the details of crime that are presented there. They form incentives to crime. When boys read how crime can be committed with so many chances of escaping, they are induced to try it. It is perfectly natural, and when you put such papers into prison, that is the thing that the man looks at, not at the inventions. I have myself seen scrap books copied by the convicts which were compilations of police court trials and records of crime. They were keeping tab on their old pals, and learning to know where to find them. If we wish to keep from them such knowledge, we cannot do it better than by keeping from them the

daily newspapers. We have even found serious objection to introducing magazines which are sent by their friends and families, who will underline words and letters so as to write the most vile stuff with reference to officers or anybody they choose. The convict asks us if he may send a magazine after he has read it, to his brother or sister, and when it goes out if you examine it carefully you will find that it is so well marked that he might as well have written out a whole letter.

With regard to the paper by Mr. Garvin, I concur in every point. It shows that it was prepared by a man who has had experience in different grades. He has not only shown the sentiment of the public with regard to the question, but the attitude of the physician, and the sentiments of the convicts themselves. It requires eternal discipline and vigilance to keep an institution in proper shape. My idea is that crime comes generally from a lack of respect, and from lack of proper home training. A drill officer in an institution is one of the best helps. Many a convict makes a good soldier.

MR. JAMES NIXON, inspector of prisons for Ontario, Canada. —It has been said this morning that great care should be taken in the conditions in which families are brought into existence. This is a matter of great importance and one in which women are particularly interested. If you wish to give greater effect to reducing crime, you have got to take women fully into your confidence and avail yourself of their knowledge of how to reduce crime. Your institutions are entirely different from ours in Canada. Your reformatories and your penitentiaries are much the same. The prison management is entirely different. You are more democratic. Our institutions are closely tied to the ministry in power, and the ministry has practically the say as to how they shall be conducted. The inspector comes, as your board of control comes, between the administration and the institution itself.

I have derived much inspiration from the experience of those practically in charge of institutions. I admire the system practiced in the United States of having your institutions under a board. The head of the institution should select the men best qualified to carry on the work. Unfortunately our appointments are political. In many respects I like our system better because we are less exposed to public clamor outside.

I have listened with a great deal of interest to the methods of enforcing discipline. There is a wide divergence of opinion.

DIGEST OF DOCUMENTS

ON PRISON DISCIPLINE.

Appendix to Report on Prison Discipline by Warden Albert Garvin; prepared by C. R. Henderson:

This compilation from the numerous reports and statements kindly furnished by wardens and superintendents is by no means as full and complete as we might desire. To print all would fill a larger volume than the entire proceedings of the National Prison Association for a year. Many officials failed to send the documents requested, and printed documents do not always supply the information which we wish to have.

In order to save space and offer the most suggestive and instructive material the following scheme has been adopted. Four "types" of establishments have been selected for illustration: I, the Penitentiary or State Prison; II, the Reformatories or Intermediate Prisons, including institutions for women; III, Local Prisons: Jails, County Workhouses, City Bridewells, etc.; IV, Reform Schools.

Under each "type" we have given illustrations of the methods of "prison discipline" under eight topics: (1) Methods of studying the nature and disposition of the prisoner, which is the condition of all intelligent and discriminating dealing with him; (2) grading and marking; (3) instruction, literary and technical; (4) moral and religious influences; (5) rules of conduct relating to duties of person, property and social order; (6) rewards, or appeals to hope; (7) disciplinary punishments, or appeals to fear; (8) care for persons discharged, conditionally, on parole or finally. It will be noticed that we arrange these measures in a descending scale, the higher appeals being placed first and the appeals to fear coming in as a last resort. This is the order in which our best wardens seek to apply discipline.

By "prison discipline" we mean to include in this report all the direct means used by prison authorities for training the prisoner, for reforming him and for fitting him for his normal place in society as a man and a citizen. In this larger idea of the

purpose of discipline the "disciplinary punishments" form only one class, and these are used only as a last resort and with comparatively few prisoners.

In a work which the present writer has in hand, in co-operation with Dr. S. J. Barrows, we hope to have a compilation of similar regulations and methods for most of the modern European and American systems. In a few months, it is hoped, this large collection of facts will be published. Wise men learn from each other; only narrow and conceited egotism refuses to inquire what the experience of the wide and wise world teaches. Such collections aid boards and wardens in drawing up systematic regulations and offer tangible material for discussion and criticism, new starting points for progress. The very existence of the National Prison Association, with its departments for wardens, physicians and chaplains, is a declaration that the prison officials of America are awake and teachable, that they welcome light from whatever source it comes.

Documents mentioned in this Digest have been received from the following institutions and used in making this report:

1. *State Prisons or Penitentiaries.*

The State Penitentiary for the Eastern District of Pennsylvania, Indiana State Prison, Minnesota State Prison, Ohio Penitentiary, Massachusetts State Prison, Connecticut State Prison, Iowa State Penitentiary, Maine State Prison, Wisconsin State Prison, California (Folsom) State Prison, Pennsylvania Western Penitentiary, Illinois State Penitentiary, Colorado State Penitentiary, Federal Prison (Fort Leavenworth, Kansas). South: Virginia State Penitentiary, Louisiana State Penitentiary and farms, West Virginia Penitentiary, Texas State Penitentiaries, Arkansas State Prison, Arizona Territorial Prison. In supplement A will be found extracts from the Regulations of the prisons of Mexico, Federal District.

Too late for use here: They contain no rules for convicts: Report Georgia Penitentiary, North Carolina Penitentiary, Prison Commission of Georgia, Directors of South Carolina Penitentiary, Inspectors of Alabama. Also Report of Inspectors of Canada.

2. *Reformatories or Intermediate Prisons.*

Pennsylvania, Illinois, Indiana, New York (Elmira), Colorado, Kansas, Massachusetts.

Women's Reformatories: Massachusetts (Sherborn), New York (Hudson).

3. *Jails and Workhouses.*

Jails: United States Jail, Washington, D. C., Cook County, Ill. (Chicago).

Workhouses: Allegheny County (Pa.), New Castle County (Del.), Essex County (N. J.), Deer Island and South Boston (Mass.), Blackwell's Island (N. Y.). Rules of Detroit House of Correction, Report of House of Correction of Chicago; Workhouse, Cincinnati.

4. *Reform Schools.*

Indiana Reform School for Boys, Illinois Reformatory, South Dakota Reform School.

I. FIRST TYPE: PENITENTIARIES OR STATE PRISONS.

(a) *Cellular.* The State Penitentiary for the Eastern District of Pennsylvania enjoys the distinction of being the only example of its class in the United States.

1. *Examination.* On the arrival of a convict, the physician examines the state of his or her health. He or she shall then be examined by the clerk or the warden in the presence of as many of the overseers as can conveniently attend, in order to their becoming acquainted with his or her person and countenance; and his or her name, height, apparent and alleged age, place of nativity, trade, complexion, color of hair and eyes, and length of his or her feet, to be accurately measured, shall be entered in a book provided for that purpose; other marks shall be noted. The moral inspector is required to inquire into the mental condition of prisoners; and to obtain, as far as he can, a knowledge of their general character. The overseers learn the industrial capacity of the convicts and observe their daily conduct, and inform the warden.

2. *Marking and Grading.* This prison, being a cellular establishment, and aiming to treat each prisoner as an individual, has no use for grades or classes. The convicts do not work in gangs and are separated from each other as far as possible. When they take exercise in companies they wear face masks. The distinctions of rank by dress would have little meaning.

3 and 4. *Instruction.* The moral instructor shall devote his time to the religious, moral and intellectual instruction of the prisoners, visit each in his cell at least once in thirty days, and call in an outside clergyman or other religious person if requested by the convict. Illiterates are instructed by one of the overseers.

5. *Rules of conduct relating to person, property and order.* Few rules are made.

6. *Rewards and Privileges.* Under the commutation law of 1901, a convict can earn, by good conduct, five days on each month during the first year of sentence; seven and one-half days on each month during the second year; ten days on each month during the third and fourth years, and twelve and one-half days on each month for the fifth and each subsequent year of the term of his sentence. This applies only to sentences of one year or more. Convicts receive credit for work beyond the required task. Tobacco is given in some cases for extra work.

7. *Disciplinary Punishments.* Overseers shall refuse breakfast to any convict who may not have arisen and washed when breakfast is served, and shall refuse food whenever unclean utensils are presented for its reception.

Corporal punishment will not be permitted except when absolutely necessary to the subjection of a refractory convict. If a convict disobeys orders or rules, he must first be admonished; if he continues to disobey he must be removed to a cell by himself, without force, if possible; if force is necessary for his removal, such force may be employed only in the presence of the warden or principal overseer.

Others: Deprivation of light during the evening, the use of the library, and in more serious cases, or when these fail in effect, a reduction in the diet; and as an ultimate coercive force the offender is placed in an empty cell with no other food than bread and water until he submits to authority.

8. *Care of Discharged Prisoners.* A certificate of good conduct may be given by the warden. Four dollars are paid by the State at discharge. Voluntary associations give aid. There is no conditional release or parole.

Sources for: Eastern State Penitentiary, Pennsylvania:
Rules Governing Overseers and Watchmen, 1902.

Pennsylvania Commutation Law, 1901.

Two of the Laws, relating to the Management of the Eastern State Penitentiary, 1898.

The Pennsylvania Prison System, by Richard Vaux, 1884.

Seventy-second Report.

Warden Cassidy on Prisons and Convicts.

Richard Vaux, Brief Sketch, 1872.

(b) Congregate Penitentiaries—North.

1. *Examination.* The Bertillon system of measurements and records has been introduced into some of the institutions and grows in favor. It forms the basis of further individual studies of convicts. The warden, the deputy warden and the chaplain seek to know all that is possible of the physical, intellectual and moral nature of each prisoner. The court record sent with the convict usually contains very little information of value, but might be made very helpful with some care on the part of the trial judge and his assistants.

Indiana State Prison (Michigan City): The methods adopted by the warden in securing a full and complete history of each prisoner, enables the board of parole to intelligently pass upon all cases seeking parole, and from the records we find that few mistakes have been made. While the records we have at command enable us to help those that are worthy, they also aid us, with the provisions of the indeterminate sentence law, to keep within this institution the professional and confirmed criminal. No department aids more in this work than that of the Bertillon system of measurements. (Report 1900, pp. 8, 9).

Minnesota State Prison (Stillwater): When prisoners are delivered at the prison, after the examination of commitment papers by the clerk, the prisoner is turned over to the deputy warden. He is thoroughly bathed and exchanges his citizen clothing for that of a second grade suit at once, after which he is taken to the deputy warden's office and carefully informed and instructed as to the rules and regulations of the institution. He is photographed and the Bertillon measurement is taken, after which he is turned over to the prison physician for a careful examination as to his physical and mental condition, etc. The prisoner is then assigned to such work as is best adapted to him,

under the advice and instruction of the physician, shortly after which the warden interviews him and is followed by the chaplain.

2. *Grading and Marking.* It is becoming more customary to divide prisoners into two or three grades and promote or degrade according to conduct.

Ohio Penitentiary (Columbus) Sources: Manual for the use of prisoners, 1902. Laws (from Bates' Annual Ohio Statutes). Rules and regulations governing the officers and guards, 1900. Library catalogues.

There are three grades, first, second and third, the first being the highest, the second the intermediate, and the third the lowest. First grade dressed in suits with perpendicular black stripes down the outside of the pantaloons. Third grade suits shall consist of horizontal black and white stripes.

Each prisoner committed to the penitentiary for the first time will enter the second grade. He is promoted or degraded in rank according to his marks.

Massachusetts State Prison: Rules and regulations, 1900. No mention of grades.

Connecticut State Prison: Library catalogue and rule book, 1902. Rules and regulations, 1902.

Three grades, first second and third, the first being highest. Convicts in the first grade will be clothed in a suit of blue; those in the second grade, gray; and those reduced to third grade, black and white stripes.

Prisoners may lose their grade, (1) by such violation of prison rules as shall necessarily subject them to solitary confinement; (2) for general disorderly conduct; (3) for habitual laziness, untidiness or negligence.

Iowa State Penitentiary: Grade system introduced in 1900.

Minnesota State Prison has three grades.

Maine State Prison (Thomaston): Rules and regulations, 1890. Letter of Chaplain, Rev C. A. Plumer. No grades mentioned.

Wisconsin State Prison (Waupun): Rules for the government of prisons, 1901. Rules and orders for the Wisconsin State Prison, 1897. Three grades, first, second, third; the last being lowest.

State Prison at Folsom, Cal.: No grades. "I believe in the graded system, and hope that it may some day become a feature of California penal institutions." (Thomas Wilkinson, warden).

Western Penitentiary, Pa., at Allegheny: See commutation law, 1901. Letter of Warden W. McC. Johnston. This prison established 1826 (under law of 1816). Law, amended in 1829 and 1869, defines the duties of officers and inside control. In 1869 the law was passed which granted the inspectors the authority to "assemble the prisoners for labor and worship." This law changed the separate system to the congregate system of control, which continues.

Two grades; after six months of exemplary conduct prisoners can be transferred from grade two to grade one in which grade the change of clothing is from the striped uniform to plain dark gray, and the prisoner is entitled to a larger cell. Careful records of conduct are kept.

Illinois State Penitentiary, (Joliet): Report of Commissioners, 1900. Rules and regulations. Letter of Warden E. F. Murphy. The grade system is used in this establishment. Records of conduct are kept as basis of grades, "good time" and parole.

3 and 4. *Instruction and Personal Influence, and Religion.*

Illinois State Penitentiary (Joliet): Chaplain holds public services, visits prisoners, gives counsel, furnishes Bibles at the expense of the State, reads the rules to new prisoners and enforces them by advice, and has charge of the library. He must avoid sectarian efforts. He shall, when required by the commissioners, give instruction in the useful branches of an English education to such prisoners, as in the judgment of the warden, may require the same, between 6 and 9 p. m. The chaplain is not required to examine letters; the usher does this work.

Western Penitentiary of Pennsylvania (Allegheny): Illiterates are accorded the privileges of the day school. Library of nearly 10,000 volumes. Daily papers and standard magazines subscribed for and admitted in large numbers. Religious services, Sabbath morning, in female department and hospital ward; general chapel service 10 o'clock. Song service 2 p. m. Bibles and religious tracts and newspapers distributed. Catholic priest holds service Sabbath morning. National holiday observed as rest day.

Iowa State Penitentiary: Chaplain and religious services. Library in care of chaplain. School five and one-half months, five evenings of week; chaplain directs, assisted by five convicts.

Wisconsin State Prison: The chaplain conducts chapel services, visits the convicts in their cells and hospital; cares for the library; examines mail of prisoners, and gives such secular instruction as he thinks necessary. No school is mentioned.

Colorado State Penitentiary: The chaplain holds service and conducts Sunday school, superintends school and library. School changed from night to afternoon. Eight teachers assist. A Catholic priest holds service on Sundays.

Maine State Prison: Chaplain appointed by governor for two years. Religious services and labor for the mental, moral and religious improvement of the convicts. They are fitted to obtain employment after discharge. The chaplain may have a Sunday school with teachers from the outside.

Folsom, California, State Prison: There are no schools or classes of instruction at the State prison. Attendance on religious exercises every Sunday is compulsory.

Ohio State Penitentiary: All the "rules of conduct" have an educational value and purpose. A library is provided, general and Catholic. The chaplain furnishes a Bible or Testament to each convict; preaches and conducts worship every Sunday; conducts a Sunday school; visits prisoners; has charge of the library. The superintendent of schools, with the aid of educated prisoners, conducts a school, chiefly for the illiterate men.

Massachusetts State Prison: Books and magazines for reading; chapel service; a chaplain to give moral and religious instruction, acts as superintendent of the prison school, and has charge of library.

Connecticut State Prison: Library, chapel and services of a chaplain; a prayer-meeting is held, the chaplain is librarian, with convicts for assistants; he has charge of the correspondence of prisoners; superintends the school and supervises the prison paper, the *Monthly Record*.

Indiana State Prison: Chaplain holds service Sunday morning and all prisoners attend. There is "plenty of music and comments on current events." A Christian Endeavor Society

admits only first grade men. There is an orchestra of prisoners; a library is kept, under the chaplain's direction. Educational work is confined to a night school, when only illiterates are instructed, by convicts. The chaplain also acts as State agent, travels to find employment for and visits the discharged men.

Minnesota State Prison: The State provides a Protestant and Catholic chaplain to look after the religious instruction of the inmates of the institution. Religious services are held at 9 o'clock every Sunday morning and alternates between Protestant and Catholic. Prisoners are not compelled to attend religious services. Sunday school or Bible class is held Sunday afternoons and is open to all prisoners who care to attend.

We have ten holidays during the year. On these occasions, good entertainments are given in the chapel, the best we can get. Occasionally we have theatrical companies and again good readers, interspersed with a fine musical program. These entertainments usually last from one and one-half to three hours, depending upon the nature of the talent and the program, after which the prisoners are given (during the summer, spring and fall months) three or four hours in the park of the prison yard, where there are allowed the utmost freedom to enjoy themselves as they see fit, provided they do not quarrel, attempt to settle old disputes or otherwise conduct themselves in a disorderly manner. I wish to testify to the good influence these privileges have and I know of no better way of emphasizing it than to say that the granting of these privileges has been in vogue for the last eleven years and during all this time there has been but two prisoners who have taken advantage of them.

5. *Rules.*

Illinois Penitentiary (Joliet): (1) Persons. Sixteen rules for government of convicts including: Obedience to rules and officers; the rule of silence in work and silence with visitors; respectful demeanor with officers; insolence or abusive language to officer, foreman, or to another convict not tolerated; bathing required once a week in summer, and once in two weeks in the winter, unless excused.

(2) Property. Steady labor required. Cell and furniture to be kept in good order. No marking, scratching the walls or

spitting on the floor will be allowed. No alterations in clothing or furniture permitted. Knives, tools, pencils, paper, etc., may not be taken to cell.

(3) Social Order. Directions are given for rising, combing, marching, work, approaching officers. Chapel service: "You will step out promptly, if you desire to attend; if not, you are required to remain in your cell and keep quiet. In chapel you must sit with arms folded and silence must be observed. No reading will be allowed. Strict attention must be given to the service. Spitting on the floor, shuffling of the feet or any unnecessary noise is strictly forbidden."

Minnesota State Prison: The "Rules for Government" give minute regulations for officers and for convicts.

Western Penitentiary of Pennsylvania: Order. The rules of the prison demand quiet, and dignity of action in movement from cell to workshop and in all parts of the prison.

Maine State Prison: The rules and regulations give twenty-one rules for government of convicts, including obedience, proper treatment of officers and fellow-convicts; care of prison property and food, and a regular order for each day, rising, marching, conduct in halls, in shop, in chapel.

New Jersey State Prison: Prisoners shall not at any time, under any pretense, without leave, speak to visitors, nor receive from them any letter, paper, tobacco, or anything whatever; prisoners are not allowed to carry knives, pencils, paper or tools of any kind, or any material whatever, from the shops to their cells; no prisoner shall willfully injure his work, tools, wearing apparel, bedding or any other thing belonging to or about the prison, nor will any prisoner be suffered to mark, injure or in any way deface the walls of his cell, nor shall he execute his work badly when he has the ability to do it well; prisoners are not allowed to make any fancy articles, for any one, unless under the direction of the supervisor, and in such case the State must receive pay for both labor and materials. Prisoners must approach an officer in a respectful manner and never address an officer on matters not connected with their immediate wants or needs. Insolence or abusive language to an officer will be sufficient cause for punishment. Prisoners are required to bathe

once each week in summer unless excused by the principal keeper or physician. At the ringing of the morning bell, prisoners are required to arise, dress, clean their cells, make their beds neatly, and after eating breakfast, be ready to march to the shops, or to any other place to which they may be assigned to labor; at the signal to fall in for marching they must take their places in line, march in lock-step, with the right hand upon the shoulder of the man in advance, always face to the right going to the shops and to the left in returning from the shops. In passing through the yard they shall not leave the line without permission. They are not to leave the place where they are put to work, nor the work which they are set to do, without permission; they are not to suffer their attention to be taken from their work to look at visitors, nor are they to gaze or look at them when unemployed. They shall employ themselves diligently with whatever labor they may have in hand, and after reasonable teaching perform the amount of labor required. They shall not write notes to other convicts or carry notes from one convict to another, nor shall they be allowed to trade or exchange tobacco or any article whatever with each other, or with any employee of the prison. At the ringing of the evening bell prisoners must retire.

Wisconsin State Prison: Each prisoner is permitted to have in his cell: one Bible, one cup, one mirror, one cuspidor, one spoon, one face bowl, one dish bowl, one piece hard soap, one comb, one hair brush, blankets, sheets, pillow cases, night shirt, mattress, bedstead, camp stool, one table, one water jar with cover, one electric light, one small library shelf, one library catalogue, one book of rules and such school and library books as conduct and grade privileges permit. You are warned that malicious injury or destruction of property, tools and machinery belonging to the State or any other person will render you liable to criminal prosecution under the laws of the State. No private work will be allowed in the shops. All trading and bartering between prisoners or between officers and citizens and prisoners is strictly prohibited. No presents are to be received. All letters and papers shall be examined at the office under the direction of the warden before being mailed or delivered. Mail taken from postoffice for prisoner only on signed authority from the prisoner and permission to inspect. Sealed letters may be sent to the board of control, with complaints; but no other letters shall

contain criticisms of the prison. Friends may send specified articles; immoral publications are excluded. Dining room rules, mailing rules, labor rules are given in detail. Observe the rules and obey the officers; be quiet everywhere and at all times; talking with convicts not permitted, nor with visitors without permission, with officers only concerning duty or conduct as a prisoner. Insolence, profanity or obscenity will not be tolerated. You may talk to your cellmate, if you have one, but in low tones only. Do not talk or call to men in other cells. Do not whistle, sing or make any unnecessary noise. You will be promptly reported and severely punished if you unnecessarily, and with intention of annoying, jostle or push against another prisoner, or in any way provoke another prisoner to anger. Making faces or insulting gestures will not be tolerated. Any trick, by which another prisoner is led into violation of rules and loss of time, will lead its author into severe punishment and reduction to the third grade. In speaking to an officer stand at two paces distance and speak distinctly; it is not necessary to breathe into an officer's face to make him hear you. Do not pass closely in front of an officer, or between two officers who are conversing, and do not interrupt unless you are a messenger charged by another officer with very urgent and important business. You must not chew tobacco while marching in line or while in the dining room. You must not spit upon cell house or corridor floors or upon dining room floor; cuspidors will be provided and must be used. When you go to sick call be sure that your mouth has been rinsed out and that no tobacco stains are on lips or tongue. To attract your officer's attention raise your hand; do not hiss at him, or call to him, or make any noise to attract his attention, for which you should not have long to wait. You are not to warn any officer of the approach or movement of the warden or deputy warden, nor are you to warn any other prisoner of the presence or movements of an officer or guard. Any interference of this nature with the business of the officers of the institution will certainly result in your punishment and loss of good time. Do not stare at officers or visitors. Impudent staring will be considered and reported as insolence. Do not gaze around the shop, but pay attention strictly to your work. You must approach an officer or guard in a respectful manner, taking off your cap, or touching the cap if out of doors, before speaking to him; use the officer's last

name always with the title "Mr." and with no other title. In addressing the officer, if you do not know his name, say "Sir", and proceed with your communication. You are not to answer or respond if addressed by your first, or given name, as the undue familiarity between officers and prisoners, which such a custom breeds, will not be tolerated. You must not place your hand upon an officer or foreman, or touch their clothing, or in any way come into close personal contact with them.

Ohio Penitentiary: Conduct rules, and list of offenses are printed in the manual for prisoners.

Massachusetts State Prison: Rules for prisoners give twenty-eight rules for conduct. Punishment is threatened for violation.

Connecticut State Prison: Thirteen rules printed and a list of forty-five offenses; besides, shop rules, cell house rules, chapel rules, hospital rules, grade rules, library rules; the offenses are not classified or graded, but arranged alphabetically.

Iowa State Penitentiary: Rules not in document sent.

6. *Rewards and privileges as motives to obey rules.*

Hope is an incentive to obedience to rules. It is well known to psychologists and physicians that motives addressed to fear, and causing pain, tend to weaken a person, while motives of hope, joy, pleasure, gratitude, leave one stronger and more energetic. Coleridge said: "Education is to be speeded forward by encouragement, beckoning on from before, rather than by fear urging on from behind. The former gives power, while it inspires desire to advance; the latter with its envenomed goad, stupefies in attempting to stimulate."—Works, IV, 480.

Folsom State Prison (Cal.): Benefits of the Goodwin Credit Act, the only reward to prisoners. Every convict who shall have no infraction of the rules and regulations of the prison, or laws of the State, recorded against him, and who performs in a faithful, orderly, and peaceable manner the duties assigned to him, shall be allowed from his term a deduction of two (2) months in each of the first two (2) years, four (4) months in each of the next two (2) years, and five (5) months in each of the remaining years of said term, and *pro rata* for any part of a year, when the sentence

is for more or less than a year. Act of March 19, 1889. The board of directors determines all questions of administration of the act. Each prisoner is allowed to correspond with his attorneys and relatives once each month, and no oftener, except in cases of serious illness or by special permission, and he may be visited once a month, by permission of the warden; visits must be in presence of ushers and in audible tone. For any violation of the rules, the privilege of correspondence will be withdrawn. Packages of tobacco, fruit, food or wearing apparel, sent to prisoners, will not be admitted. Prisoners will not be permitted to manufacture articles on their own account, to be sold or sent out to friends, or to be bartered in any way.

Illinois Penitentiary (Joliet): Privilege tickets given at entrance. One ration of tobacco given each week. Permission to write once in five weeks. Permission to see friends once in eight weeks. You are permitted to receive such weekly papers as the warden may approve. Special letters by permission. If your conduct has been good during the entire term of your imprisonment you have a right to demand a certificate of good conduct. This recommends to the governor for restoration to citizenship.

Western Penitentiary, Pa.: Under the present conditions of prison labor in Pennsylvania, it is not possible to be so liberal as heretofore with wages to prisoners for overwork.

Iowa State Penitentiary: Good time and hope of parole.

Maine State Prison: Writing to friends; receiving visits; "good time" for good conduct.

Ohio State Penitentiary: The chief incentive of hope is that of earlier parole and freedom. Prisoners in the first grade may be visited by friends and relatives twice a month; those in the second grade by relatives only, once a month; those in the third grade, not at all. Prisoners in the first grade may write every second and every fourth Sunday; those in the second grade every third Sunday; those in the third grade, not at all. Prisoners in the first and second grades may receive fruit, pastry, etc., from friends once a month, and on legal holidays; prisoners in the third grade will be allowed to receive nothing sent to them from the

outside. Library privileges are extended for good conduct. Earnings of prisoner credited; for family and for care after discharge; lost by misconduct.

Massachusetts State Prison: Hope of reducing maximum sentence. Every prisoner whose record of conduct and labor is perfect, may be entitled to receive a visit once a month from such person as the warden may approve, to write not exceeding sixteen letters in one year to such persons as the warden may approve, and to have such books, newspapers or magazines as the warden may allow.

Connecticut State Prison: Privileges are connected with the grades: (1) The first grade men shall be entitled to the following privileges: To write one letter a week, to receive letters from friends every two weeks, to receive such letters, weekly papers and periodicals as the warden may approve, and from time to time such additional privileges and immunities not herein enumerated, as may be considered safe to concede as a special reward for meritorious conduct, having at all times in view the best interests of discipline and good order. (2) Second grade men shall receive visits from friends once a month; letters, weekly papers and periodicals as the warden may approve, and write once a month. (3) Third grade men receive nothing from friends, write no letters or receive them (save in urgent cases) and draw one book a week.

Wisconsin State Prison: (1) The greatest of all privileges is the shortening of sentence for good conduct under the "good time" law; for the first year, one month; second year, two months; third year, three months; fourth year, four months; fifth year, five months; sixth year, six months; seventh year, six months. (2) Earnings available only to a prisoner upon his discharge from prison and computed at the rate of three cents per day for the first year, and one cent per day for the remainder of the term of sentence. He is also given clothing and transportation to the place of conviction or an equal distance in any other direction. The earnings of life prisoners are credited to them at the end of each year's service, at same rate as short-term men. (3) Grading rules: First grade men, one ration of tobacco each week; electric light in his cell; visits from friends once in four weeks; permission to write a letter on the first and third Sundays of the month;

permission to receive weekly newspapers and periodicals approved by the warden; permission to draw books from the library; permission to receive from friends on holidays one express package of not more than six pounds, which may contain articles enumerated under mail and express rules; other holiday privileges at the discretion of the warden. Second grade men: Permission to write on the third Sunday of the month; electric light in cell; permission to draw one book from the library every two weeks. Third grade men: Denied all the privileges except in case of necessity, by special direction of the warden.

Minnesota State Prison: The only form of punishment is that of confinement in a solitary cell on bread and water. The privileges are graded.

7. *Punishments, Disciplinary.*

Illinois State Penitentiary (Joliet): The only disciplinary punishments allowed are: First, Taking from prisoners one or all of their privilege tickets. Second, Reduction in grades. Third, Solitary confinement on short rations of bread and water. Fourth, Handcuffing prisoner to the grated cell door at the height of his breast. Corporal punishments of any kind are prohibited by the statute.

Western Penitentiary of Pennsylvania: For slight breaches of rules, cellular seclusion in common cell with deprivation of privileges; and for greater breaches of rules separate confinement in dark cells. No cage, no whipping, no cruel punishment tolerated. A punishment record kept by deputy warden. Loss of "good time."

Colorado State Penitentiary: The warden says: As I am a believer in corporal punishment, that method has been used with but few exceptions. There are few punishments. Privileges are taken away for light offenses. Dungeon in rare cases. Out of 1012, 161 have been disciplined.

Iowa State Penitentiary: No information.

Ohio State Penitentiary: No other punishments mentioned than that of loss of grade, privileges and "good time." The only disciplinary punishments of prisoners allowed to be administered in this prison, unless otherwise ordered by the warden, shall be: Solitary confinement on short rations of bread and water.

Handcuffing prisoners in a grated cell at the height of his breast. By assessing him and taking all or a part of "good time" earned from a prisoner. Or by withholding tobacco from him for a limited time; or by suspending him from school for a limited time; or preventing him from attending chapel services, Sunday school or prayer-meeting; or by withholding visiting permit from him and such other punishment as, in the judgment of the warden, may be necessary to enforce good discipline. The deputy warden assigns the punishments and keeps a record of offenses and punishments.

Massachusetts State Prison: Such punishment as the warden may direct. Deprived of privileges for one month or longer. Held for maximum sentence.

Connecticut State Prison: No list of disciplinary punishments in document sent. Degradation from rank and consequent loss of "good time" mentioned.

Wisconsin State Prison: (a) Depriving inmates of their privileges. (b) Solitary confinement on short rations of bread and water. (c) Handcuffed to a screened cell-door. It will not be allowed to inflict corporal punishment. The loss of "good time" is always feared as a consequence of violating the rules. Deductions are made from credited earnings at rate of one-fifth of a cent a day.

Maine State Prison: Loss of "good time." Loss of privileges, as writing, receiving visitors. The deputy warden awards punishments, free from personal vindictiveness, sufficiently severe, without cruelty, to secure the end desired, reporting to warden. Solitary confinement, as punishment for the violation of the rules of the prison, shall be inflicted upon the convict in a cell and he shall be fed on bread and water only, unless the physician certify to the warden that the health of such convict requires other diet. (Laws of Maine).

Folsom State Prison (Cal.): We do not chain, cage or whip prisoners; our punishment consists in solitary confinement with bread and water, and partial or total suspension of privileges. A punishment record is kept by the captain of the guard. We do not require prisoners to keep their hair closely clipped, but with every punishment the hair-clipping constitutes part of the

punishment. Sec. 22 of the Penal Code gives prisoners the right to grow their hair or beard to suit themselves during the last ninety days of their term.

8. *Care of Discharged Prisoners.*

Wisconsin State Prison: No conditional parole law. The care of prisoners ceases with discharge.

Folsom State Prison (Cal.): Upon release, prisoners shift for themselves; the State vouchsafes them no aid beyond the prison gates. By the statutes they are allowed a suit of clothes, the cost of which is not to exceed \$10, Sec. 22, Penal Code. Our prisoners receive no financial compensation for labors performed. Upon their discharge they receive what money or property they brought with them and the State allowance of \$5. There is, however, for prisoners not convicted of murder, nor previously convicted of a felony, a possibility of parole after the expiration of a minimum of one year. (Act of March 23, 1893). This is administered by the State Board of Prison Directors of California. See rules and regulations of this board for the paroling of prisoners. (1893).

Illinois Penitentiary (Joliet): A parole agent is employed whose duty it is to secure employment for paroled prisoners. Prisoners may make time by good conduct. Prisoners released given a new suit of clothes, \$10 in money, and transportation to their destination. Paroled men are required to report on the first of each month until they have served the required twelve months satisfactorily, when they are granted their final or absolute discharge.

Western Penitentiary of Pennsylvania: No parole law. Commutation law gives for good behavior: One year's sentence, two months; ten year sentence, three years, seven months; twenty year sentence, seven years, nine months; forty year sentence, sixteen years, one month. There is no State agent in Pennsylvania whose duty it is to specifically care for discharged prisoners and secure employment, so this duty is assumed by the Allegheny County Prison Society, and the chaplain of the prison. Transportation money given, \$5 to \$10.

Ohio State Penitentiary: See compilation of the laws relating to the penitentiary, or Sec. 5, 7388-6. Court may give a

general sentence to the penitentiary, terminable by the managers; but not to exceed maximum sentence for the crime; this privilege confined to those not charged with murder, who have not previously been convicted of a felony and served a term in a penal institution. They must serve the minimum sentence; they may be conditionally released on parole; liable to be re-taken for cause. All prisoners may have sentence reduced by good conduct.

Maine State Prison: No parole mentioned. "Good time" law; chaplain to aid when possible in obtaining employment; \$5 and a suit of clothes when discharged.

Massachusetts State Prison: On discharge suitable garments provided. "Good time" law.

Connecticut State Prison: "Good time" law (new, 1902) grants sixty days a year for the first five years and ninety days a year thereafter, to convicts serving more than one year, for good conduct. There is also an indeterminate sentence law, and a Board of Parole, with rules (Act approved June 17, 1901). Excluded from this law are convicts sentenced for a capital offense or for life term. Maximum term fixed by law for the offense. A minimum term is fixed by court. The Board of Parole is made up of the board of directors and the warden. They can give final discharge before end of maximum sentence if convinced that the person will lead an orderly life.

Iowa State Penitentiary: Chaplain seeks to help paroled and discharged men to secure employment; but as yet no systematic State effort.

Colorado State Penitentiary: In the Fourth Biennial Report of the State Board of Pardons (1899-1900) page 60, the laws of many States on subject of pardons by Governors and by Boards of Pardons. Colorado has a Board of Pardons. The votes are nearly equally divided between the two methods of showing executive clemency. Law of 1899 (Aug. 3) permits paroles for "good time".

Indiana State Prison: Under the indeterminate sentence law men may be paroled by the Board of Parole, if they have conducted themselves well and are not habitual offenders. The State furnishes a six dollar suit of clothes to each discharged prisoner. The suits are made from cloth of different patterns

and fitted to the person by a tailor. The chaplain gives much of his time to the labor of securing places of employment for men about to be discharged on parole, and holding them to good conduct when they are conditionally released.

Minnesota State Prison: Each prisoner receives \$25 in currency upon his discharge, with a suit of clothes, and a good overcoat, if discharged between October 1st and April 1st. The parole system has been legal for eleven years. We have a State agent whose duty it is to secure work for discharged and paroled prisoners. He is required to visit the prison at intervals and to personally interview every prisoner from ten to twenty days prior to prisoner's discharge, ascertain his wishes, his requirements, etc. If he wishes to leave the State, he is to get his transportation at reduced rates; if he wishes to remain in the State, and wants a position, to find one for him and make a report of his findings and the requirements of each prisoner with what he (the State agent) is to do for him or them, immediately after such interview has taken place. The State agent is also required to make a monthly statement of what he has actually done for each discharged prisoner. He is also required to report upon each prisoner who has been paroled, the work that has been found for him, how the paroled prisoner is getting along, etc.

(c) FEDERAL PRISON *

at Fort Leavenworth, Kansas.

1. *Examination*, by deputy warden and physician at admission. The chaplain receives a statement of the religious and educational antecedents of the prisoner, and of his parental and conjugal relations.

2. *Grades and Marks*. Grades mentioned; no details given. Stripes a mark of degradation. Red numbered prisoners mentioned. All violations of rules are recorded with chief clerk. The exact system of marking credits and debits not given.

3 and 4. *Instruction and Religion*. The chaplain is to conduct religious services; study the life history of prisoners; minister to their spiritual wants; visit them in their cells; furnish

*The report of the Federal Prison is so important and suggestive that further extracts are printed hereafter. Supplement B: These relate chiefly to duties of officers.

a Bible to each one who desires it ; visit the sick ; select and distribute books from the library. Ministers may come from outside at request of a prisoner.

5. *Rules* and (6) *Rewards (privileges)* and (7) *Punishments.*

RULES FOR CONVICTS.

1. Your first duty is strict observance of these rules and all orders of the officer under whose charge you may be placed.

2. You must observe strict silence in your cell, in dining room, in chapel, at sick call and while marching through the yard.

3. You must not speak to, give or receive from visitors, anything, except by permission of the warden or deputy. Gazing at visitors or strangers passing through the penitentiary is strictly forbidden.

4. You are expected to apply yourself diligently to whatever labor you are assigned and after reasonable teaching to perform the same amount of work as would be required from you as a citizen.

5. At every signal to fall in for marching take your place in line promptly. March with military step, attend to and promptly obey the orders of your officer.

6. You will be required to keep your person clean and your clothing tidy and in good order. You must not make any alteration in your clothing or cut your shoes. If they hurt you or need repairs report the fact to your officer. You must not carry tools of any kind, pencil, paper, or any material whatever from your work to your cell without permission in writing from the warden or deputy. Finding any of these things in your possession will be considered proof that you have violated this rule. Tinkering or writing notes to other convicts or carrying notes from one convict to another is strictly forbidden.

7. You must not carry upon your person or have in your cell, at any time, a knife of any description, without a written permit from the warden or deputy. A knife found in any prisoner's possession without such permission, will be taken as evidence of his intention to injure an officer or fellow prisoner, and he will be punished accordingly.

8. You are not allowed to have any money on your person or in your possession, neither are you permitted to trade or purchase any article whatever. All of your business must be done through the warden.

9. You must approach an officer in a respectful manner. You must confine your conversation with him strictly to the business in hand. You must not address an officer on matters outside the penitentiary. Insolence in any form to an officer, foreman or even to a fellow convict will not be tolerated.

10. On entering the cell house, dining room, chapel or any of the offices of the penitentiary, you must uncover, unless your duties are such that you have special permission to remain covered.

11. When the bell rings in the morning rise promptly, make up your bed as instructed, clean your cuspidor and sweep your cell. Then wash your face and hands and at the command of the guard, pass into the yard, with night bucket, marching by column of twos in perfect order.

12. On entering the dining room take your seat promptly—position erect—arms folded, with eyes to the front until the signal is given to commence eating.

13. Strict silence must be observed during the meal. Staring at visitors, talking and laughing, fooling or gazing about the room are strictly forbidden.

14. Eating or drinking before or after the bell sounds, using vinegar in your drinking water, or putting meat on the table are prohibited.

15. Should you desire additional food make your wants known to the waiters in the following manner:

If you want bread, hold up your right hand.

Coffee or water, hold up your cup.

Meat, hold up your fork.

Soup, hold up your spoon.

Vegetables, hold up your knife.

If you desire to speak to an officer about food or service in the dining hall hold up your left hand.

Wasting food in any form will not be tolerated. You must not ask for or allow the waiter to place more food on your plate than you can eat. When through with meal leave pieces of bread on left side of plate. Crusts and small pieces of bread must not be left on your plate.

17. After finishing your meal place knife, fork and spoon on right side of plate. Sit erect with arms folded. When the signal is given to arise, drop hands to your side. At the second signal march out and to your place in line in a prompt, quiet and orderly manner.

18. In passing to and from the dining hall you must not gaze into cells or loiter in the corridor. Walk erect with your eyes to the front. It is strictly against the rules to carry out any of the dining hall furnishings or to carry food to or from the dining hall at any time.

19. At the morning work hour, march to the yard and when your number is called answer promptly, take your place quietly and march to your work as directed by the officer in charge.

20. On entering the cell house in the evening, or at noon on Sunday, go to your cell quietly and promptly, close the door after you without slamming and hold it until it is locked. Then stand at "attention" until the count is completed. When the count is completed you will be notified by sound of the bell.

21. When at work give your undivided attention to it. Gazing about at visitors, or at other prisoners, will not be allowed. You must respectfully listen to and faithfully carry out all instructions given you by your foreman concerning your work.

22. You will not be allowed to leave your place of work except by permission of the officer in charge.

23. Careless or willful injury of your work or tools will be promptly reported.

24. In talking with your foreman confine yourself strictly to the work in hand. If you have any cause for complaint of your guard, foreman or others, you will be allowed to send application for an interview with the warden or deputy through your officer at any time.

25. Communication between prisoners while at work will not be allowed except by special permission of the officer in charge, and then only when absolutely necessary.

26. If you are sick or unable to work report the fact to the officer in charge and act as he may direct. If you wish to see the physician, give your name and number to the officer immediately after entering the dining room in the morning.

27. All trading or bartering of whatsoever kind between prisoners or between citizens and prisoners, is strictly prohibited.

You will not be allowed to give or to receive from a guard, foreman or citizen any present or gift under any circumstances.

28. During the noon hour, and on the march to and from the quarry and new prison site, prisoners outside the Penitentiary wall may indulge in conversation as directed by the officer in charge, provided said conversation is free from profanity and vulgarity, is good natured and is not loud or boisterous.

29. Saturday afternoons, after bathing, take the furniture out of your cell, and scrub the cell perfectly clean with soap and water, then replace the furniture, and make careful inspection of the bed and bedding for bugs. If any are found report to the guard so that they may be destroyed and the penitentiary kept free from vermin.

30. On Sunday morning put your cell in order for inspection. When the bell taps remove all clothing except undershirt and drawers; roll the drawers above the knees and the shirtsleeves above the elbows; expose the chest and during inspection stand at "attention" with arms folded.

31. After inspection, exhibit your clothing to the store-keeper, as he makes his rounds, and carefully obey his directions about turning any of it in for repairs or exchange.

32. At the morning sick call, stand quietly in line until your number is called, then pass quickly into the physician's office, receive and promptly obey his directions, and again take your place in line. No conversation or disorder of any kind will be permitted.

33. If ordered by the physician to the hospital for treatment you will be properly cared for, but to hold your place in hospital you must remain quiet and perfectly obedient. No disorder of any kind will be tolerated. While in the hospital you must be neat and tidy in habits and perfectly respectful in language to the hospital officers and nurses.

34. Fighting, and inciting others to fight, are acts especially condemned, and for either offense you may be reduced to stripes and lose all "good time" at the discretion of the warden.

35. Under the law "good time" at not to exceed two months for each year, may be allowed. For violation of the rules you may lose any part of this "good time" at the discretion of the warden. A written record of all violations will be made.

36. When in the yard or in the cell corridors not at work, if approached by the warden or deputy warden or by a guard in the company of visitors, you must stand at "attention" with arms folded, until they have passed.

37. When approaching an officer or guard of the penitentiary to speak to him, remove your cap, fold your arms and stand at "attention" until he directs you to proceed.

38. Gambling of all kinds is strictly forbidden.

39. Keep your library books and cell furniture clean and in good order. Marking the walls, spitting on the floor, corridors or stairs will not be allowed.

40. Place your writing and tobacco tickets on cell door immediately after supper Saturday evenings, in plain view, otherwise these privileges will be withheld. You must return all writing material given you whether used or not. Failure to do this will deprive you of your writing privileges.

41. Strict silence must be observed in your cell at all times. Talking, laughing, reading aloud, shuffling of feet, drawing bench or night pail across the floor, or talking from cell to cell are strictly prohibited. You must not tamper with your electric light. If it does not burn properly report the fact to the officer on duty.

42. You will be entitled to the benefit of the library by following strictly the directions on the library card.

43. For willful destruction of clothing, or exchanging any part of it with another prisoner, or destruction of penitentiary property, you may be reduced to stripes and lose your "good time."

44. Your cell is subject to search at any time. If articles are found that might be used to injure or destroy cells you may be treated as an "escape."

45. Neither food nor medicines can be sent to any prisoner by private individuals outside the penitentiary.

46. In the prison dining room is a mail box in which can be dropped messages to the warden, deputy warden or chaplain. Such messages must be brief, to the point, and signed by the prisoner's number.

PRIVILEGES.

You are not compelled to attend religious service, but you are specially requested to do so, because the moral support of religious instruction is necessary for all. All tobacco must be removed from the mouth before going to the chapel; no spitting

on the chapel floor will be tolerated, no conversation will be permitted while in the chapel.

On entering the penitentiary you will receive three tickets entitling you to the following privileges as long as you obey strictly all of the rules:

First—One ration of chewing tobacco each week. Smoking is absolutely prohibited.

Second—Permission to write once in two weeks.

Third—Permission to see friends once in four weeks, except on Sundays and holidays.

Newspapers—You are permitted to receive such weekly papers as the warden may approve. No daily papers or sensational publications of any description will be admitted.

Extra Letters—Written permission must be obtained from the warden or deputy in case it becomes necessary to write special letters.

Mail Matter—Letters and papers of every description must be examined at the chaplain's office under the direction of the warden, before being mailed or delivered.

LIST OF OFFENSES.

Answering to number in improper manner; bed not properly made; clothing not in order; coat not buttoned when in use; crookedness; creating a disturbance; disobedience of orders; disrespectful conduct of any kind; disturbance in cell house; disturbance in line of march; escaping; failing at inspection; fighting; hiding out; insolence to officers, guard or foreman; injuring library books or other property; insubordination; inattention in line or at work; loafing; laughing and fooling; loud talk; larceny; lying; malicious mischief of any kind; mutiny; neglect of work; not at door at count; not retiring at proper hour; profanity; quarreling; raising disturbance of any kind at any place; replying when corrected; shirking; smoking; spitting on floor; stealing; talking in dining room, or from cell to cell; talking in line in the yard; talking at sick call or in chapel; using threatening language; unbecoming conduct not above mentioned; vile language; wasting food; marching to or from work out of place; writing unauthorized letters.

PUNISHMENTS.

1. Reprimand. 2. Loss of tobacco privilege. 3. Loss of letter privilege. 4. Loss of part of "good time". 5. Imprisonment in "solitary" on limited diet. 6. Imprisonment in "solitary" on restricted diet and handcuffed to door. 7. Reduction to stripes and loss of all "good time".

I. (d) South. *

1. *Examination.* Little information obtained.

2. *Grading and Marking.*

Virginia State Penitentiary: Laws S. 4144. The superintendent shall keep a record of the conduct of each convict (no mark system).

Arizona Territorial Prison: No information, except that record of conduct is kept as basis of "good time".

Louisiana State Penitentiary: Annual Report of Board of Control State Penitentiary, Baton Rouge, La., C. Harrison Parker, President, 1901.

All seem (from the photographs) to be dressed alike in stripes; no mention of grades. The classification is physical, and with reference, not to discipline but to work: (1) Men of sound physical health, between the ages of twenty and fifty years, of 140 pounds weight or more, and who have been accustomed to physical labor; (2) Men of sound physical health, who are slightly under or over the age limit of one, or who are less than 140 pounds weight, or who have not been accustomed to hard outdoor labor; (3) All old men and boys, all men suffering from any impairment of health of not sufficient severity to confine them to the hospital, and all healthy female prisoners; (4) All sick prisoners. [This is evidently a very primitive and undeveloped method of classification, and the presence of boys indicates need of further speciali-

* Miss Frances A. Kellor, in her "Experimental Sociology, Delinquents" (The Macmillan Company, 1901), chapter x, has published the results of her observations in prisons of the South, under the topics: Method of Control, Buildings, Furnishings, Labor, Hours and Tasks, Conditions, Discipline, Foods, Clothing, Recreation and Intercourse, Education, Cultural, Medical Care.

zation of institutions.] The report frankly says: We have by no means yet brought about the conditions which ought to exist. The board has made important improvements and has the spirit of progressive effort. The statistics show in prison: Ten children, from thirteen to fifteen years of age; 335 youths, from fifteen to twenty-one years of age.

West Virginia Penitentiary: Code of West Virginia, 1899. Rules in the West Virginia Penitentiary, 1899: There are three grades, first, second and third; the third being lowest.

Arizona Territorial Prison at Yuma: Biennial Report, 1900. Rules and Regulations, 1898. (No information).

Texas State Penitentiaries: No reference to marking system.

West Virginia State Penitentiary (Moundsville), W. Va.: Record kept for the grades.

Louisiana State Penitentiary: No mention of a mark system.

Virginia State Penitentiary (Richmond): 1 Rules and regulations, 1898; 2, Virginia penitentiary laws, 1887, Code. No grades mentioned; stripes used for punishment.

NOTE: In Virginia the legislature makes many of the regulations into statutes of the Code, instead of leaving this to the administration of the prison.

3 and 4. *Education and Religion.*

West Virginia Penitentiary: Six nights of each week, with the exception of holiday nights, an evening school is maintained, instruction being given to about fifty blacks and fifty whites in rudimentary branches by a corps of educated convicts, all under the direct supervision of the prison chaplain. A Roman Catholic priest visits convicts of his faith. The festival days are Flower Sunday in June, Fourth of July, Labor Day, Thanksgiving, Christmas and New Years. On these days there are special entertainments, either by the prisoners or by local talent. All Sundays and holidays are observed as days of rest.

Texas State Penitentiaries: The chaplain preaches, conducts Sunday school and various associations; visits convicts; acts as librarian. A library is furnished. Illiterates may be taught to read and write.

Arizona Territorial Prison: Religious services. Prison library (partly supported by twenty-five cents fee from visitors).

Virginia State Penitentiary: All convicts are required to attend religious services in the chapel on Sunday, unless they are sick or excused by the superintendent.

Louisiana State Penitentiary: The chaplain's report is source of information. There is a church edifice. The prisoners are much scattered, in the central prison and on farms. City pastors help the chaplain, conducting services on Sunday and burying the dead. Young men from the Young Men's Christian Association conduct religious and educational work on the farms. There is a library and books are added. In the levee camps the convicts are of lowest grade; not 10% can read and the moral sense is blunted; but moral efforts are not relaxed even here and the report is hopeful.

5. *Rules.*

Virginia State Penitentiary: Profanity, indecent behavior, idleness, neglect or willful mismanagement of work, insubordination, an assault not amounting to felony, or a violation of any of the rules prescribed by the governor. (Laws, S. 4143.) See Rules and Regulations, Art. VI, Duties of Convicts.

Arkansas Penitentiary: Rules regulate rising, forbidden articles, defacing walls, politeness to officers, visits, communications; Sunday to be quietly observed; boxing, gambling cock-fighting forbidden.

Louisiana State Penitentiary: No rules yet made. The warden writes in his report: During 1901 I have endeavored to perform my duties without set rules, but I believe the time has come when the Board of Control should formulate some for the guidance of all.

Texas State Penitentiary: To the prisoners it is said: You are prohibited from marking, injuring, or defacing any article in your cell, or the walls of your cell, or any other part of the building. You must keep the walls and floor of your cell and the bedding neat and clean, and spitting upon the floors, or walls, or corridors, in or about the prison will not be tolerated in any case. At the ringing of the morning bell you must get up, dress, make

or put up your bed, and get ready for marching out. In chapel strict and silent attention shall be given to the service, and spitting upon the floor and shuffling the feet will not be allowed. Gambling, or playing at any game at any time or place, is strictly forbidden. Profane, obscene, indecent or insolent language shall, under no circumstances, be allowed. In lines you must march in "lock-step", with your right hand on the shoulder of the convict in advance of you, and incline your face toward the officer. In walking with other convicts, always walk in single file in marching order. (The rule of silence is found here as in most of the institutions, north and south. The permission to receive medical examination, advice and treatment and care for personal health is found here, as commonly elsewhere). You must always approach an officer in a respectful manner, and be brief in your communications, and never speak to an officer unless when necessary concerning your work, or in stating a grievance, or making some necessary request. When within the view of visitors you are particularly charged to keep your eyes upon your work and give it your sole attention. You are required to bathe once in each week, unless specially excused, and to have your face shaved clean once in each week, and your hair kept short.

West Virginia Penitentiary: The first duty of a convict is obedience. You are to labor faithfully and diligently. The rule is silence, unless permission is given. You will not suffer your attention to be taken from your work in looking at visitors, or to gaze at them when unemployed. You must not speak to an officer when he is engaged in locking or taking count. You must always approach an officer of this institution with cap removed, and your arms at your side, standing erect in a respectful manner and be brief in your communication. You must not quarrel or fight, nor use angry words or profane language under any circumstances. Hands and face washed in morning. Shower baths by platoons on Saturdays. Men with skin diseases bathe apart from others. All convicts are required to attend religious services on Sabbath, unless excused. Strict attention to the services must be observed. Profanity or obscene songs or language will not be tolerated. Prisoners will not be permitted to sleep with their clothes on. (Nothing said of night shirts). All games are positively prohibited. Personal effects are here, as usual, taken away and held in trust. Clothing and single cell furniture pro-

vided. No convict is allowed to buy, barter, trade, exchange, give to or receive from a guard, foreman or any convict anything whatever, without consent of the warden or his deputy. You are not to willfully or carelessly injure your work, tools, wearing apparel, bedding, or any other thing belonging to or about the prison, nor are you to execute your work badly. Convicts who may earn by overwork will be permitted to dispose of such earnings in the purchase of such articles as the warden may deem proper or they may have their earnings remitted to their friends or families. At the ringing of the gong in the morning (four taps) you will rise, dress, make your bed, and put your room in order. At the sounding of the gong (three taps) you will clasp the bar of your door with right hand and remain standing in said position until a satisfactory count is made. At a signal of two short taps the drop locks will be thrown, at the same signal you will push your door open, promptly stepping out in line and closing your door, at a signal (one tap) you will take up the line of march. You must be prompt in answering signals, march with head erect and eyes to the front, at all times march in a soldierly manner. In the workshop all must labor steadily. During seven months of the year the men are marched around the yard for half an hour each pleasant afternoon after they leave the dining hall, and on Sundays and holidays, winter and summer, if the weather is favorable, the male inmates also walk in the yard after breakfast and after chapel services. The women take their exercise in the yard a few evenings each week when the weather is pleasant. Taps are sounded each night at 9 o'clock and immediately thereafter the electric lights in the cells are turned off. Laughing or talking after that is punishable.

6. *Rewards (Hope).*

West Virginia State Penitentiary: Prisoners of first grade may write every second and fourth Sabbath. The State will furnish stamps for their letters written on the second Sabbath, but prisoners must furnish stamps for their letters written on the fourth Sabbath. Prisoners of the first grade may see their friends once a month, provided they are not on the black list. Prisoners of the second grade can write on the second Sabbath; may see their friends once a month, provided they are not on the black list. Prisoners of the third grade cannot write at all, nor see their

friends at all. They are deprived of all their privileges. Prisoners working in the contract shops are permitted, if able, to earn overtime, the same to be paid once a month to the warden who is designated by law to be custodian of convicts' monies. All prisoners are entitled to reward for good conduct and earnest application to work. The form of reward is made by granting commutation at the rate of sixty days per year, and by giving the men the privileges of the lookout, special permission to write to their relatives and friends, and the purchase of many little comforts in the way of delicacies and clothing.

Louisiana State Penitentiary: No information. There is a "good time" law.

Arizona Territorial Prison: "Good time" for good conduct. Letters each week (no restrictions stated). When not otherwise engaged prisoners have the privilege of making non-contraband articles for sale to visitors or others. The prisoner receives two-thirds and the Territory one-third of net proceeds.

Texas State Penitentiaries: For good behavior: 1. Permission to have lights in cell. 2. Permission to write once a month. 3. Permission to see friends once a month. 4. Permission to go from cell on Sunday, except in meal or chapel lines. 5. Permission to use any special clothing or furniture. 6. Permission to use and adorn cell. 7. Permission to eat out of general line. 8. Permission to write any special letters. 9. Permission to receive newspapers during the week. 10. Permission to retain library books in the cell. 11. Permission to sing or make music upon any instrument, between 7 and 9 p. m.

"Good time" for good conduct: Two days per month off the first year of sentence; three days per month off the second year; four days per month off the third year; five days per month off the fourth year; ten days per month off the ninth year; fifteen days per month off each succeeding year.

Virginia State Penitentiary: Conditional pardon. Acts of Assembly 1899-1900, p. 273, approved February 3, 1900. Whenever any person is confined in the State penitentiary for any offense, and shall have served out half of his term of imprisonment, he shall be allowed to file a petition with the Board of Directors of said institution setting forth that he has served half

of his term; that he has kept the prison rules in every respect for the two years next preceding the date of his petition (if he shall have been confined in the penitentiary so long), and asking the said board to recommend him to the governor as a proper person to receive a conditional pardon. Employment usually secured before recommending for conditional pardon.. Laws, Sec. 4147. The Board in its discretion, may allow a convict, on his discharge, not exceeding ten dollars; transportation to county or city whence he was sent, and, if he need it, a suit of coarse clothing.

7. *Punishments.*

West Virginia Penitentiary: Restrictions on privileges. All prisoners on the black list forfeit the privilege of writing, the use of books from the library, and visits from friends and relatives while they remain on the black list. For first and trivial offense, reprimand and caution; continued disobedience, followed by being placed on black list; for further disobedience, remain in cell on Sunday and holidays, and receive only bread and water on those days; aggravated cases of disobedience, handcuffed backwards to cell door for from one to six hours; for fighting, cutting or destroying State or contract property, from two to twenty strokes of paddle; assaulting an officer, cutting or stabbing another inmate, attempting to escape, means forfeiture of "good time" and the probability of standing indicted before the circuit or criminal court for the offense. A punishment record is kept by the clerk.

Louisiana State Penitentiary: The act of legislature prohibits harsh or cruel punishments. The Report (p. 13) says: As to the reform inaugurated in the handling and care of the prisoners, the death record is the best evidence. We at once struck the shackles from every man employed at outdoor work. No prisoner is allowed under any circumstances to work in chains or irons of any description, or to be clogged or handcuffed in any way, either going to or coming from work. No sub-officer or guard can strike a prisoner unless in defense of his life; the captains alone can administer punishment.

Texas State Penitentiary: Rules, Regulations and By-Laws, Art. XIX. 1. Confinement in dark cell, not exceeding seven days at a time. 2. Confinement in dark cell, or other cell, in irons. 3. Ball and chain, shackles, or spike on ankle. 4.

Deprivation of privileges, in whole or in part. 5. Forfeiture of commutation, in whole or in part. 6. Whipping, but only after a special order in writing is received from the superintendent, assistant superintendent, or inspector, in each particular case, and not to exceed thirty-nine lashes. All punishments recorded.

Virginia State Penitentiary: For violation of prison rules, lower and coarser diet; the iron mask or gag; solitary confinement in a cell or dungeon; stripes.

Arkansas Penitentiary: Punishments: Whipping with strap but not on naked flesh; dark cell; bread and water.

8. *Paroled and Discharged Prisoners.*

Texas State Penitentiary: "Good time" law, but no conditional release or parole. On discharge a plain suit of clothing furnished, \$5 in money, and railroad transportation.

West Virginia State Penitentiary: (Rules applying to State prisoners; United States prisoners being under Federal rules). Commutation for good conduct is allowed on a basis of five days for each month over one year. A suit of clothing is furnished (or credited if he buys his own) at discharge. Conditional pardons issued by governor, usually on recommendation of the Board of Pardons. In such cases the condition is made that if the person receiving the conditional pardon should thereafter be again convicted of a felony in the State he may be returned to the Penitentiary to serve out the remainder of his unexpired sentence in addition to the new sentence which may be imposed upon him for his latest offense. Money for transportation furnished at discharge. A guard takes the man to the train, buys his ticket and gives him his money. No reports are required of paroled men. No organized effort to receive employment for discharged prisoners. In all probability, however, the State will have a Prison Aid Association within another year.

Arizona Territorial Prison: Numerous applications for parole. "Good time" law (deduct two months in each of the first two years; four months in each of the next two years; and five months in each remaining year of the term).

Louisiana State Penitentiary: No parole; only "good time" law.

II. SECOND TYPE: REFORMATORIES.

I. *Examination.*

Pennsylvania Industrial Reformatory at Huntingdon: (Biennial Reports). Receives young offenders, fifteen to twenty-five years of age. The condition of all convicts is examined at admission and recorded, observations being made of physical, mental and moral traits, domestic history, industry, habits, civil condition.

Indiana Reformatory at Jeffersonville: (Biennial Reports). No information as to examination.

Illinois State Reformatory at Pontiac: (Biennial Reports). This establishment really consists of two departments, an intermediate prison and a reform school for juvenile offenders, there being no other State reform school. Very careful records are made of the facts relating to each prisoner: The court, the crime, the county, age, birthplace, nationality, education, religion preferred, parents, occupation of parents, color, mental condition, associations, industrial habits, education, occupation, use of tobacco and liquors.

Elmira State Reformatory: (Year Book, 1897, p. 23) furnishes a typical illustration. The Biographical Register has a succinct summary of the close scanning of every prisoner, always personally made by the general superintendent when they are at first admitted to the reformatory. It is a record of diagnosis and summary of the judgment then formed of the prisoner himself; his mind, his moral susceptibility and the rating of his animal organism, all with a view to his treatment for reformation. The plan or prescription made at the time, with notations afterward of changes and progress and results is also included upon the pages of the record of each inmate. It is true of these records, made at the time of the prisoner's admission to the reformatory, that they are, when studied in the light of the subsequent performance of the prisoner, shown to be generally correct.

2. *Grades and Marks.*

Massachusetts Reformatory at West Concord: Letter of superintendent. Forms. Manual for the use of prisoners, 1901. In this manual the inmates are taken into the confidence of the superintendent, and his reasons for the rules of administration are given. Report of Prison Commissioners of Massachusetts. Prisoners are classified in three grades, the first being the highest. All enter second grade, and advance by receiving 1,000 credits in seven consecutive months. A prisoner allowed for perfect conduct, industry (in labor) and diligence in study five credits each day, and a prisoner whose record is perfect for four consecutive months is credited 150 additional credit marks. Distinctions in diet, clothes, and privileges at discretion of superintendent.

Colorado Reformatory: Three grades; prisoner enters second grade and is promoted to first when he earns 1,000 credit marks.

Kansas State Industrial Reformatory at Hutchinson. Rules governing inmates, 1900; Senate Bill, No. 195. Letter of J. S. Simmons, superintendent. Forms and papers. There are three grades; all entering the second, with a system of marks and records.

New York Reformatory at Elmira: Four grades; all enter lower first or intermediate grade. Outward signs of grade: Uniforms distinguished by color. Promotion after six months in lower first grade; further period in upper first grade; good conduct, progress in study and trade; with conditional release on parole when employment is found. Degradation for bad conduct, and neglect, as shown in reports. The system is monetary. Men are credited for work, study and good conduct; and debited according to a scale of reports for misdemeanors.

Pennsylvania Industrial Reformatory: There are four grades distinguished by uniforms, and each prisoner enters the second grade on admission.

Indiana Reformatory: There are three grades. For each day's perfect performance of duty, men in the upper grade receive a credit of fifty-five cents per day; in the middle grade fifty cents per day; in the lower grade, forty-five cents per day. An addi-

tional credit is earned for all work done in excess of the fixed task, and a deduction is made for all unnecessary shortage. From his earnings a man is required to pay for what he receives in the way of board and clothing. This system has educated the men in keeping accounts, stimulated them to do their daily tasks, put them on their best behavior and prepares them for free life upon discharge.

Illinois Reformatory: Grade system is in use.

3 and 4. *Education and Religion.*

New York State Reformatory, Elmira: An elaborate system of education and training: 1. Physical culture; 2. Manual training; 3. Trade school; 4. School of letters, intellectual, moral and religious instruction.

Kansas Industrial Reformatory: Institution occupations: farming, building, working, cleaning, etc.; making clothing and shoes. When an inmate enters, if he is very short on education he is sent to school two sessions a day. If he has a fair education he works all day and goes to school at night. If his education is only medium he may be sent to school half of the day and work half of the day. There are three sessions of the school, forenoon, afternoon and evening. Inmates have to reach a certain grade in the institution, being able to cipher fractions before they are eligible to parole, except in cases of mental or physical defects. Religious services each Sunday in the chapel, and about every other Sunday a lecture by some educator, district judge, or other proper person. We observe the festival days by extra fare and entertainments gotten up by the inmates.

Massachusetts State Reformatory: There are about fifty teachers in letters and industries. The schools are in session five nights each week for two hours. All are required to attend school. Religious services are held on Sunday, both Protestant and Catholic. Also Sunday schools for both denominations. Entertainments are held upon holidays; two evenings of the week literary meetings are held by the prisoners themselves. A chaplain resides at the institution. There is a good library.

Colorado State Reformatory: Has a school, five days each week. Holds religious services. The chaplain teaches the school, conducts services, talks with prisoners, has charge of library.

Indiana State Reformatory: A chaplain conducts services on Sunday and deals with the young men personally. He also acts as State agent, in charge of the parole system, and thus keeps watch of the men during their conditional release. A school is conducted by a graduate of the State University, a professional teacher. The great majority of the inmates have had but small educational advantages; many are illiterate; the teacher also acts as librarian; a brass band, composed of inmates, is one of the means of culture; a prison paper is printed by inmates and edited by the officers; the inmates are taught trades according to their capacities.

Pennsylvania Industrial Reformatory: Every young man is required to go to school. The schools are under the supervision of a moral instructor, or superintendent of schools. The teachers employed are professional school teachers, and are permanently employed as officers of the institution. The sessions of the school are held entirely in the evening from 5:50 to 8:10 o'clock. There is a library of 3,000 volumes. There is a physical director who, under advice of the physician, seeks to develop the body by systematic methods, including gymnastics, drill, bathing, etc., The chaplain conducts services and ministers personally to the convicts. The superintendent conducts a Bible class on Sunday. A Catholic priest visits prisoners when requested to do so. A prison paper is printed for use of inmates. Manual training and trade schools prepare the young men for earning a living when set free. Holidays are observed and recreation and entertainments given.

Illinois Reformatory: The reports on the educational side are very suggestive. A chaplain conducts religious services. Trained teachers are in charge of the literary schools. Moral instruction by lecture and discussion find a large place. Trade schools carry forward the technical preparation for honest life. A paper is published for the benefit of inmates. A large library is furnished. Military drill is regarded as a valuable part of the discipline.

5. *Rules.*

Kansas Industrial Reformatory: Rule books and blanks show rules relating to persons, property and order: Rules for saluting and talking. Conduct rules, rising, marching, in cell, in

hall, lights, signals, labor, eating, chapel, sickness, writing, etc. Offenses: There are three classes of offenses; third class or neglect offenses; second class or delinquent offenses; and first class or misdemeanors. A list of each is given.

Massachusetts Reformatory: Examples of rules: When a prisoner wishes to speak to an officer he will salute him by raising his right hand to his forehead, then drop it to his side, and remain in a respectful attitude while the conversation lasts. Prisoners must not converse with outsiders without permission and must not gaze at visitors. Prompt and respectful obedience to the officers is required; insolence to officers and unruly and boisterous conduct are especially forbidden. Prisoners are required to take good care of room and furniture and to labor in shops. Whoever defaces books or exchanges them with others will be deprived of library privileges. Conduct in room, rising, marching, labor, retiring, etc., regulated by rules. The reason for rules: There must be rules and regulations here in order to secure and maintain that which is fair, and for the best interests of each and every one. The plan of the reformatory is to give every one within it a chance, by good conduct and his own efforts, to shorten his stay therein; to give proper schooling to those who need it; to give trades to those who have none, and by all available means to advance the material, mental and moral interests of each inmate. A reasonable amount of work will be required to promote skill, health and personal improvement. Facilities for study, instruction, entertainment and recreation will be given. If helps and privileges are rightly used they will be increased. If they are abused they must be withheld. The form of reports show the nature of rules and definitions of offenses:

_____, 190____, To the Deputy Superintendent: _____, Cons. No. _____, Room No. _____, is reported for the offenses checked below: _____, Officer. Absent from school; altering clothing; bed not properly made; clothing not in proper order; coat not buttoned; crookedness; destroying State property; dilatory; dirty room or furnishings; disobedience of orders; disorderly room; disturbance in dining-room; disturbance in shop; disturbance in wing; eating before signal; fighting; gaping about; gross carelessness; hair not combed; hands and face not clean; hands in pockets; idleness in school; idleness in shop; inattentive in chapel; inattentive in line; inattentive in

school; inattentive in shop; injuring property; insolence to instructor; insolence to officer; late at school; late at work; late entering room; late leaving room; laughing and fooling; loud talk in room; lying; malicious mischief; neglect of duty; not at door for count; not wearing outside shirt; not wearing slippers in chapel; not wearing slippers in school room; out of place; poor work; profanity; quarrelling; refusal to obey; refusal to work; shirking; smoking; spitting upon the floor; staring at visitors; stealing; talking from room to room; talking in lecture room; talking in school; talking in shop; talking in chapel; talking in dining room; talking in line; talking in corridor; using tobacco; vile language; wasting food; wearing slippers in yard.

Colorado Reformatory: Report (p. 92) gives rules governing inmates. The nature and purpose of the rules are stated. Grade rules, conduct rules, work, general (saluting, marching, etc.), list of offenses, writing, visiting and library privileges, parole and release.

Elmira State Reformatory: Offenses within the prison against demeanor, labor or study rules are graded as first class, second class and third class reports. These are named and described in detail.

6. *Rewards and Privileges.*

Massachusetts Reformatory: No rewards or pay for work given. No privileges except those which belong to the grades.

Elmira State Reformatory: Hope is stimulated by promise for good conduct of promotion in rank, table and cell privileges, talking at table, hope of early release on parole.

Kansas Industrial Reformatory: No reward is made except in case of extraordinary loyalty to the management, when an inmate may be paroled or advanced in his grade. Grade uniform distinction for first rank. The management will extend to the second grade such privileges, and to the first grade such additional privileges as is deemed best and profitable; in these the third grade shall not participate. Writing letters: First grade, each week; second grade, once in two weeks; third grade, once a month. Receive visits once a month, if well behaved.

Indiana Reformatory: The privileges connected with the higher grades are constant incentives to good conduct.

Illinois Reformatory: The grade system and paroles give incentives for good conduct.

7. *Disciplinary Punishments.*

Massachusetts Reformatory: Reduction in grading. The deputy superintendent determines all punishments and all marking. Inmates of the third grade are confined in cell blocks separated from the rest of the prison and have separate workshops, only seeing the other prisoners when they go into the chapel on Sundays. A few of the third grade men work in solitary confinement. The disciplinary punishments are confinement in a light cell with regular prison rations with work. If a prisoner refuses to work when he is in punishment he is fed upon bread and water. No other punishments are practiced. A record is kept of all punishments.

Kansas Industrial Reformatory: Reproof for minor offense. The ordinary punishment is the taking away of time, so many days. Locking up in his own cell, with diminution of food. Dark cell with bread and water. Cage. (Whipping never administered.)

Elmira State Reformatory: The publications (Statutes of State, rules, regulations, etc.) do not mention any disciplinary means except these indicated in the system of marking, grading and parole. In the Handbook (1901, p. 16) cellular punishment is mentioned.

Indiana Reformatory: Fines and loss of grade are the chief punishments.

Illinois Reformatory: Loss of rank and corporal punishment, cell and whipping, as last resort.

Colorado Reformatory: Loss of marks and grades.

Kansas Industrial Reformatory: Reproof for minor offenses. The ordinary punishment is taking away time, so many days; locking up in his own cell, with diminution of food; dark cell, with bread and water; cage; (whipping never administered.)

8. *Care of Discharged Prisoners.*

Elmira State Reformatory: The paroled man is under supervision, liable to recall for misconduct, six months or more. Twelve months of good conduct, progress in school and trade,

money for travel and a place of employment are conditions of parole. Reports are required during probationary parole. Recall for abuse of privilege or neglect.

Massachusetts Reformatory: Prisoners are discharged upon expiration of sentence or parole. The Prison Commissioners have the power to release a prisoner when it appears he has reformed. They must have a position before release. They are given money for travel. The legislature appropriates \$5,000 each year for aiding discharged prisoners from this institution. Prisoners released must report once a month.

Colorado Reformatory: Law of 1899 (Aug. 3) permits paroles for "good time". In the reformatory there is a system of parole.

Indiana Reformatory: The chaplain, as State agent, seeks employment for men out on parole and watches over their conduct.

Illinois Reformatory: Most of the prisoners are discharged on parole.

Kansas Industrial Reformatory: Discharge is by parole or expiration of maximum term. Reports of paroled prisoners required once a month for twelve months. They may be brought back for disobedience. The parole officer travels over the State and gives personal attention. Money for transportation furnished by friends, employer (on account) or by the institution.

Pennsylvania Industrial Reformatory: Prisoners may be released on parole after a period of good conduct and high marks. The last report urges the importance of State agent to secure employment. Employment is secured in advance of parole by correspondence. The power to discharge conditionally rests with the Board of Managers. Reports from paroled men are required.

WOMEN'S REFORMATORY PRISON.

I. *Examination.*

Sherborn Prison, Massachusetts: The officers seek to know rather the present purpose than the past history of the prisoners. They think that, so far as possible, the past should not be recalled even in memory.

House of Refuge for Women, Hudson, New York: (Report, 1899). The causes of moral defection must be inquired into in all cases before we can have a clear view of remedies or results. Statistical tables show the facts obtained relating to heredity, education, occupation, home life, religion, social condition, mental condition, moral sense, skull, face. The physician's report gives the list of diseases treated.

2. *Grades and Marks.*

Reformatory Prison for Women, Sherborn, Massachusetts: Annual Report of the Massachusetts Prison Commissioners, 1901. Rules for prisoners. Three grades. Record card is given each woman. For each week of perfect conduct, labor and study, ten credit marks will be allowed. Misconduct, or lack of industry in work or study, will cause a loss of credit marks.

House of Refuge for Women, Hudson, N. Y.: The girl is received at the prison and placed in the second division, from which she may be promoted or reduced according to behavior. After three months in prison she is transferred to a cottage, where the idea of family and home life is carried out as far as possible. In the cottages the marks are both conditions of promotion and the ordinary means of discipline.

3 and 4. *Instruction and Religious Influences.*

Reformatory Prison for Women (Massachusetts): Industrial training carefully developed; out-of-door work; farming; a circulating picture library, a new feature; afternoon school, and evening school; temperance clubs formed to teach temperance. The chaplain supervises the school, library, and religious work. School is in session five afternoons in the week, from one to three o'clock, for illiterates; in the evening school instruction is given in arithmetic, spelling, language, geography, history and science. In winter a class in physical culture; chapel service every evening at six o'clock. On Sabbath five services: Protestant, Catholic, Sabbath school, Bible class, praise service. Wednesday evening hymns practiced. Addresses made occasionally by clergymen and others at chapel.

House of Refuge for Women, Hudson, N. Y.: The general teacher reports instruction in deportment, morals, care of persons, reading, orthography, penmanship, arithmetic, geography, lan-

guage, history, natural sciences, current topics and civics. A manual training class was formed for the purpose of benefiting girls incapable of advancement under the ordinary methods of instruction. Music classes are conducted by a special teacher on Monday, Wednesday and Friday, with share in service on Sunday. The disciplinary value is thought to be very good, since music arouses the proper emotions and aids self-control. The women are taught dressmaking, cooking and laundry work. Daily prayers are held in each building, morning and evening. Religious services are held in the chapel on Sunday afternoon, conducted by visiting clergymen or by the superintendent. Inmates may see a priest or clergyman upon request. Various lectures and entertainments are provided for recreation and instruction.

5. *Rules.*

Reformatory Prison for Women, Massachusetts: At the first bell in the morning, or when called, they shall rise, wash and dress themselves, open their beds to air, and be ready when the second bell rings to go to breakfast. When standing or walking in line they shall be orderly. In the dining rooms they shall not engage in conversation, nor make unnecessary noises. Food or table utensils must not be taken from the dining rooms. In the chapel they shall keep their faces toward the desk, and refrain from all disturbances. They shall do whatever work is given them, and in the manner indicated by the officers; while at work they must be diligent and attentive, and must not look about, nor leave their place without permission. They shall not communicate with each other. Each prisoner shall bathe regularly, unless excused by the physician. They shall hang their clothing, when not in use, on the hooks provided for that purpose. They must be neat and tidy in all their habits, and as quiet as possible when in their rooms. A prisoner who is unable to go to work shall tell her matron when the cell door is unlocked in the morning. They may take books from the library, but loaning books is forbidden. They shall not send or receive any letter or article without permission of superintendent. They shall wear the clothing given them, and shall not make alterations in it without permission. They shall not put any food or any articles in the buckets or water closets. They must not destroy nor wilfully injure any clothing, bedding, furniture, book or picture; nor mark or deface the walls,

nor waste or improperly use the food. They shall not communicate with each other, either by talking, writing or motioning, without permission from an officer. They must not make disturbing or disorderly noises, nor use offensive, angry or profane language.

6. *Rewards.*

Reformatory Prison for Women, Massachusetts: For perfect conduct permission to write one letter each month to persons approved by the superintendent, and to receive a visit in each month from such friends as the superintendent may approve.

7. *Punishments.*

Reformatory Prison for Women, Massachusetts: A violation of any of these rules, or any misconduct, may be punished by imprisonment in a solitary cell or solitary work-room, or by the loss of privileges or marks: For the same offense repeated, the punishment will be doubled. A second punishment in the same division will reduce a prisoner to the next lowest grade, and if the punishment is dark solitary the prisoner will be reduced to the lowest grade.

House of Refuge for Women, Hudson, N. Y.: The modes of discipline are not harsh, but offense is followed rapidly by punishment. Discipline is administered in the same spirit a parent would exercise toward a rebellious child; first, entreaty, kindness and moral suasion, and force resorted to only as a final step. Deprivations and rewards are better than harsher punishment.

8. *Care of Discharged Prisoners.*

Reformatory Prison for Women, Massachusetts: The agent for aiding discharged female prisoners says: The constant aim is never to lose sight of them, to remove them entirely from evil associations, to restore them to their friends, to provide them with honorable employment, to offer sympathy and encouragement. There is a temporary asylum for discharged female prisoners at Oldham, which has a legal right to a subsidy.

House of Refuge for Women, Hudson, N. Y.: Prisoners may be paroled and, for violation of the conditions of parole, may be recalled.

III. JAILS AND WORKHOUSES

(LOCAL AND DISTRICT PRISONS.)

1. *Examinations.*

When there is any degree of classification a brief examination may be made. The court records or the accounts of the officer who makes arrests may be used for information. In case of disease a physician may be consulted. The documents give little information.

2. *Grading and Marching.*

JAILS.

Any approach to a system of marking, even where sentences are served, cannot be discovered from the reports sent.

United States Jail, Washington, D. C.: Records of conduct are kept.

2. *Grades and Marks.*

WORKHOUSES.

Allegheny County Workhouse and Inebriate Asylum, Claremont, Pa.: Laws, By-Laws and Rules for the government, 1888; report, 1901. No statement on the subject of grades.

New Castle County Workhouse, Greenbank, Del.: Only forms, no rules are sent.

Essex County Penitentiary, Caldwell, N. J.: Proceedings of Board of Freeholders, 1901, p. 156, ff.; statistics, but no rules.

3. *Instruction.*

JAILS.

Cook County Jail, Chicago: Has a society, named from the enterprising jailer, "The John L. Whitman Moral Improvement Association"; and this association issues a neat "Journal". A good library was obtained by gifts; lectures and entertainments

are provided; a day and a night school are conducted, the teachers being inmates; a religious service, with voluntary attendance, is held on Sundays.

House of Correction, Deer Island, Mass.: A library of 5,000 books. Calisthenic exercises, as practiced in the United States Army. At South Boston a school for instruction of illiterates, (13% of population), with a professional teacher.

4. *Religion and Personal Influence.*

JAILS.

Reports of State Board of Charity and Correction reveal general lack of system and uniformity. Local Prisons are rarely provided with chaplains and teachers. Religious services and visits are provided, if at all, by voluntary effort.

4. *Religious and Personal Influences.*

WORKHOUSES.

Allegheny, Pa., County Workhouse: Chaplain required to hold service on Sabbath, Bible Class and Gospel service in female department. He acts as librarian; he visits prisoners; he teaches a school at night for the benefit of illiterate prisoners at least twice each week from October 1st to April 1st.

House of Correction, Boston, Mass.: At Deer Island the chaplain is also director of music. Chaplains are engaged at both Deer Island and South Boston, and Catholics are served by their own priests. Regular services are held on Sundays.

5. *Rules.*

JAILS.

United States Jail, Washington, D. C.: Respectful conduct required.

WORKHOUSES.

Allegheny, Pa., County Workhouse: The first duty of the prisoner is obedience to the rules and regulations of the workhouse, and the orders of the officers. He must at all times

approach the officers of the workhouse in a most respectful manner, be brief in his communications, must not speak to them on any ordinary topic, or address them except when it becomes necessary in relation to his work or wants; no prisoner shall speak to any person who does not belong to this institution, or receive from or deliver to anyone, any letters, papers or anything whatever, or give to or receive from any officer of the workhouse, anything whatever, without permission of the superintendent or assistant superintendent. It is strictly against the rules for him to stop work and gaze at visitors, at any time. All prisoners are forbidden to use any insulting, profane or abusive language to any officer or stranger, or to each other. To attract your officer's attention, raise your hand; do not call to him, or make any noise whatever. Any willful or unnecessary soiling or defacing of any books, or injury to tools, clothes, or any other thing belonging to or about the workhouse, will subject the offender to severe punishment. You are not permitted to have any money, jewelry or other valuables in your possession. Any prisoner wasting bread in any way, will be punished severely. The laws, etc., pp. 40-41, give the daily routine of the prison; ordering the rising, making beds, march to wash room, breakfast in cells, march to shops, work, dinner, work, march (in lockstep) to cells, lights out, conduct in case of fire, etc. This order is a rule, and violation is punishable.

Workhouse, Blackwell's Island, N. Y.: Rules and regulations, 1898. (The rules are all for officers; none sent on for convicts); warden, deputy warden, hall keeper, keepers, night guards, and matron are mentioned.

Houses of Correction, Deer Island and South Boston, Mass.: Reports of penal institutions department, Boston: The new rules adopted by the commissioner are assisting the discipline in the institution very materially. A frequent complaint by the inmates was that they were unaware that they had broken any rule until they were to be punished. Every convict is provided with a copy of the rules, and they are read aloud to the inmates on the first Sunday in every month at chapel services. Thus no one can now claim ignorance of their requirements. (Report, 1897, p. 5.)

6. *Rewards, (Hope).*

JAILS.

United States Jail, Washington, D. C.: "Good time" for good conduct; prisoners under sentence exceeding thirty days may write once a week on business only by special permission, otherwise once a month; under thirty days, need permission; prisoners under punishment cannot write; prisoners on trial may write once a day in relation to their case.

WORKHOUSES.

Workhouse, Blackwell's Island, N. Y.: Nothing stated in rules and regulations.

Allegheny, Pa., County Workhouse: "Good time" for a convict sentenced to more than one year, three days per month. Any prisoner conducting himself properly will be permitted to write to his friends, or others, once in a month, or see a friend once in every month.

7. *Disciplinary Punishments (fear).*

JAILS.

United States Jail, Washington, D. C.: Refusing permission to attend church; bread and water diet; cell or dungeon; handcuffed to door; taking away "good time."

WORKHOUSES.

Workhouse, Blackwell's Island, N. Y.: Punishments only by order of warden. Character not named.

Allegheny, Pa., County Workhouse: Loss of "good time"; attempt to escape, term may be doubled; by Act of Legislature (p. 6 of Laws, By-laws, etc.,) the following punishments are permitted the superintendent: Close confinement, on a diet of bread and water only.

8. *Care of Discharged Prisoners.*

JAILS.

United States Jail, Washington, D. C.: Detention and short sentences; "good time"; no parole.

WORKHOUSES.

Allegheny, Pa., County Workhouse: "Good time" but no conditional release or parole.

Houses of Correction, Boston, Deer Island and South Boston, Mass.: Agents assist discharged convicts to secure employment, and financial aid is given when needed. "Good time" allowed by statute for good conduct.

IV. FOURTH TYPE: REFORM SCHOOLS.

*(Chiefly for youth under 18 years of age.)

1. *Examination.*

It is evidently desirable for superintendents of reform schools to have more knowledge of the previous history of the new pupil than they now secure from the court. A movement is already on foot to require courts to send with the papers of consignment all the information which can be obtained from any source.

2. *Grading and Marks.*

Indiana Reform School for Boys: The merit system of gradation. All new boys and returned boys are required to gain 5,000 merits before receiving their parole or release badge. The boys enter with naught to their credit, and gain ten merits each day for perfect deportment. In 365 days he can gain his release on parole. Every offense and every infraction of the rules that experience has shown them the perverse ingenuity of the boys capable of committing, has a certain definite demerit attached to

*There is one objection to classifying reform schools with penal establishments. It is claimed by many that they are rather departments of the school system of the State. In any case they have generally developed pedagogic methods of dealing with refractory persons, and in this respect offer suggestions which are not found in many of the reports of prisons and reformatories.

it. A boy knows if he breaks any given rule or is guilty of any given offense, just what it will cost him in the way of demerit marks. The superiority of the present system to the one displaced lies in the fact that the offending boy has more precise knowledge of the consequences of his acts and is stopped from any plea that some other boy is more favored than he is—a fruitful source of complaint. The law relating to the Indiana Reform School for Boys, 35th Annual Report, 1901. General rules and regulations governing employees. Rules regulating punishment, set of forms and statements. Letter of superintendent. No definite grades or classes; each boy has his own record under a “merit system”. Boys taken from seven or eight to sixteen or seventeen years; all are wards of institution until twenty-one. They are all convicted of some offense; but penal sentence is suspended and they are sent to school here.

South Dakota Reform School, Plankinton: For children under eighteen, to majority; no document.

3 and 4. *Instruction and Religion.*

Indiana Reform School for Boys: Trades are taught and practiced. The school follows the course laid down in the State Manual issued by the State Superintendent of Public Instruction, and are taught by competent teachers. Boys attend school one-half of each day and work the other half (p. 43 ff. of Report). Music is taught. Manual training. The chaplain holds services on Sunday and talks with the boys personally.

5. *Rules.*

Indiana Reform School for Boys: Demerit offenses (which imply corresponding rules of conduct): Talk, ten demerits; disobedience, ten; disorder, ten; vandalism, ten; laziness, ten; willful waste, twenty; quarreling, thirty; dormitory, fifty; shielding, fifty; profanity, fifty; fighting, sixty; tobacco or money, 100; falsehood, 100; theft, 100; obscenity, 100; disrespect and impudence, 100; insubordination, 200; planning escape, 500; escape, 1,000; secret vice, 1,000; planning bad report, 1,000; bad report, 2,000.

6. *Rewards.*

Indiana Reform School for Boys: The chief hope is early release; parole for merit.

7. *Punishments.*

Indiana Reform School for Boys: Warning, instruction, reprimand, loss of merits ('demerits'); offenses for which there is a demerit of fifty or over shall in addition be subject to corporal punishment at the discretion of the superintendent. Rules for use of strap are printed. Bread and water diet, not more than six consecutive meals.

8. *Care of Discharged Prisoners.*

Indiana Reform School for Boys: No boy is fully discharged until he attains the age of twenty-one years. Boys are released on furlough or "ticket of leave" after gaining 5,000 merits. After due trial has been given and the boy's course of conduct has been satisfactory, his "leave" is renewed. If unsatisfactory, his furlough is withdrawn and he is again returned to the school. A plea is made for a visiting agent; none yet employed.

SUPPLEMENT A.

EXTRACTS FROM THE MEXICAN PRISON REGULATIONS, RELATING TO PRISON DISCIPLINE.

GENERAL DIVISION OF CRIMINALS IN THE FEDERAL DISTRICT.

Article 160.—The general department of men shall be subdivided into the following sections: 1. Of those sentenced. 2. Adults on trial. 3. Youths. 4. Under arrest. 5. Isolated. 6. Political prisoners, when no other building is assigned to them.

Article 161.—To the sections enumerated in the previous article shall be assigned: 1. To that for the sentenced the criminals condemned to imprisonment or reclusion. 2. To that for adults on trial, those over eighteen years of age who have been finally declared prisoners. 3. To that for youth, those under eighteen years, whether detained or on trial. 4. To that for the detained, all individuals who enter and are not to pass to another department, and meantime are not declared formally to be prisoners. 5. For the isolated; those prisoners who are to be kept entirely or partially from communication. 6. To that for political prisoners, those who have been detained, held for trial,

or sentenced exclusively for political offenses, even if under eighteen years; during the time of isolation to remain without intercourse and then remain in the department for the isolated.

CLASSIFICATION OF CONVICTS.

Article 213. Monthly, and in view of the record of the conduct of prisoners, they shall be divided into four graduated classes, according to the observations of the previous month. Those of the best conduct will be placed in the first class, and those remaining shall be distributed in the other classes so that the worst shall be in the fourth class.

The ascent from one class to another shall be in regular order, but one may pass from one to another without having stopped in the one immediately preceding. Convicts of the first class shall have as a distinction a red band on the right arm, those of the second a green and the third a blue. Those of the fourth have no distinctive mark.

RULES OF CONDUCT.

Article 47. Prohibition of accepting fees, presents, etc. For no reason and on no pretext shall fees be received in the prison for the prisoners in them.

Article 48. No officer or employee of a branch of the prison shall receive anything from prisoners nor their families, as a gratuity, gift or present.

Article 49. The prohibition in Article 47 includes the case of a gratuity.

Article 55. Of things prohibited to be introduced or possessed. The following objects may not be introduced into the penal establishments: Arms and instruments which serve as such. Large bars, files, cords and other objects which may help escape by scaling walls, boring or other means. Intoxicating drinks, opium or other narcotic or poison. Playing cards and other objects for gambling. Guitars, mandolins, and other musical instruments. Powder and other explosives and objects compounded with them. Money and bank bills. Objects of value. Obscene and immoral books and pictures. Periodicals and political incendiary publications. Other articles named by the governor of the district.

Article 71. No prisoner, even if he be a detained person or on trial, shall be permitted to go from his department, except upon affairs by order of the authority over him, to make a visit or to perform necessary acts of service.

Article 72. The prisoners shall not have keys, bolts or bars inside the door of their rooms.

Article 73. In the departments of women male prisoners shall not be permitted to enter, and when it is indispensable for making repairs, appropriate means shall be taken to avoid communication with female prisoners. Women shall not enter the departments for males.

Article 74. On no account shall trade be permitted in the institutions even in objects allowed admission. Neither shall prisoners be permitted among themselves or with employers to sell, pledge or lend.

CLEANLINESS OF CONVICTS.

Article 204. Convicts are required to be clean in person. Uncleanliness will be punished by isolation four to five days.

Article 205. Once a week, at least, the convicts shall be conducted to the proper department, to bathe themselves and wash their clothing. The bath and the washing of clothes shall take not more than two hours. For this purpose the convicts shall be divided into groups, as necessity requires, and to each group will be assigned a day and hour.

Article 215. Each prisoner may be visited by his family or by persons interested in him once every twenty days. The visit shall be received in the room for conversation, and shall continue at most for one half hour, and in the presence of a monitor of the prison. The visits shall be between two and five in the afternoon.

Article 223. The convicts shall be allowed to communicate with their attorneys, and those seeking to procure for them indulgence, commutation of penalty or conditional liberation, and for this purpose may appeal to the warden one day in the week. The visits shall be certified in the conversation room of attorneys.

OFFICERS.

Article 324. The corps of employees of the general prison shall be as follows: The warden, deputy warden, monitors, administrator, book-keeper, archivist, clerks, physicians, of whom

one shall be director of the medical service, internes, apothecary, teacher of men, teacher of women, barber, servants.

Article 325. All the employees shall be named by the secretary of the government on nomination of the governor of the district. The warden in his turn proposes persons whom he considers suitable. The director of medical service nominates physicians, internes and apothecary. The warden appoints the barber and servants with the approval of the governor.

DISCIPLINARY PENALTIES.

Article 77. The authorities to whom are committed the inspection of prisons under Article 139, and the committee of vigilance of prisons may impose upon the prisoners by way of discipline, up to four months continuously, the following: Deprivation of reading and writing; diminution of food; increase of hours of labor; outside labor; absolute isolation with labor; absolute isolation with outside labor; absolute isolation with deprivation of labor. Those over sixty years shall not be punished with absolute isolation.

Article 78. Of the disciplinary faults of the prisoners the authorities referred to in Article 324 shall be informed for prevention, and conformably to the regulations made by virtue of their powers. Once a resolution is dictated by an authority it shall be accepted for all the others.

Article 79. The wardens or heads of an establishment may only impose by way of correctional discipline isolation for twenty-four hours, deprivation of reading and writing to eight days, and increase the hours of labor for the same time. No other employe shall impose any penalty.

PRIVILEGES.

Article 50. Prisoners, whether detained on trial or condemned, may have communication with free persons, but the letters, whether sent or received, shall be opened and given to the warden or head of the establishment, who may scratch out so as to make illegible the phrases or words which he thinks best, or retain the letter in case it is necessary to scratch out all the words in order to sent it forward.

Article 52. Correspondence directed to prisoners by the general post shall be delivered to the chief of the establishment in order that he may give it to the persons addressed, who shall open it in the presence of the chief and shall give it up before taking possession of it, according to Article 50. The certified correspondence shall be received for the prisoners in the presence of the chief of the establishment and immediately opened, also in his presence and shown him as required in Article 50.

Article 53. The letters which prisoners send to their advocates, as also those received from them, shall not be subjected to examination, and both may be sealed, yet always by the order of the chief of the establishment.

Article 54. Excepted from the rule of Article 50 are prisoners for whom it is ordered by the proper judicial or administrative authority that they shall not hold communications. These prisoners are not able to communicate except with persons to whom it is expressly permitted in writing by the authority who has interdicted communication.

EDUCATION AND RELIGION.

Article 155. In no penal establishment shall there be permitted religious instruction or rites of any kind. The inmates may receive in extreme necessity the spiritual help of the religion which they profess. They may also receive moral instruction without reference to any cult and be visited by the priests of their religion, so far as compatible with the orders of the establishment, previous permission from the administrative authority having been obtained. Such permits shall not be conceded for a fixed time and may be recalled by the authority which issues them. The visits of the priests shall be made in the place designated for others, and several convicts shall not be visited at the same time by a priest. Moral conversations may be held simultaneously by several prisoners, but there shall be no communication between them. For the purpose of this article that shall be considered the religion of the prisoner which he professed at his entrance.

ON INSTRUCTION.

Article 183. The instruction given to prisoners shall include reading, writing and the first four rules of arithmetic.

Article 184. Convicts who are ignorant of the matters named in the previous article, on entering the section of the condemned, shall be aided in school.

Article 185. The convicts who attend the school shall serve in it all working days one or two hours, as the warden determines. This attendance is obligatory; yet the warden may exempt any who are unable to attend for any reason or who can derive no advantage from it.

Article 186. The work of the school shall not continue beyond twelve o'clock unless more time is necessary for the number of those to be instructed; in no case after five o'clock.

Article 187. As soon as the convicts have acquired the knowledge described in Article 183, they shall cease to attend school.

SUPPLEMENT B.

UNITED STATES PENITENTIARY AT FORT LEAVENWORTH, KANSAS.

I. LAW AND ORGANIZATION OF THE INSTITUTION.

Origin of Regulations. These rules and regulations are promulgated by the attorney general (under Act of March 3, 1891). The warden is ordered to see that they are enforced.

Object of the Institution (p. 5.) Used for the confinement of those convicted in the United States courts of crimes against the United States and sentenced to imprisonment in a penitentiary, or convicted by courts martial of offenses now punishable by confinement in a penitentiary and sentenced to terms of imprisonment of more than one year.

Governing Authority. (Act of March 3, 1891, Sec. 4.) That the control and management of said prisons be vested in the attorney general, who shall have power to appoint a superintendent, assistant superintendent, warden, keeper, and all other officers necessary. He shall also have authority to promulgate such rules for the government of the officials of said prisons and prisoners as he may deem necessary and proper.

Officers of the Institution: The Warden. The warden, in the performance of his duties as chief executive officer of the United States penitentiary, shall be guided by the law and by such rules and orders as may be promulgated by the Attorney General of the United States for the government of the penitentiary.

The orders of the warden shall be cheerfully and implicitly obeyed by all subordinate officers under his charge, and he shall have power to suspend, and for flagrant violation of orders or failure in the performance of duty, he may dismiss subordinates, subject to the approval of the attorney general.

It is the duty of the warden to see that all rules and regulations pertaining to all departments of the penitentiary are firmly and impartially enforced.

THE DEPUTY WARDEN.

The deputy warden is the assistant and agent of the warden in the general government and management of the penitentiary, more particularly in matters of discipline of its officers and prisoners.

He shall attend daily at the penitentiary from the hour of unlocking in the morning until after the prisoners shall have been locked up at night.

In the absence of the warden from the penitentiary, the deputy warden shall perform his duties, and shall not leave the penitentiary until the warden returns.

He shall not be absent from the penitentiary premises at any time during the day, when the prisoners are out of their cells, without first obtaining leave from the warden.

He shall visit the penitentiary occasionally during the night by surprise, and personally ascertain that the prisoners are all secure; and that the officers are on duty and alert.

Under the orders of the warden he shall have special control and direction of the guards, foremen and other employes of the penitentiary, and shall be responsible that every one performs his respective duties with intelligence, fidelity and zeal. And it shall be his duty to report to the warden, strictly and promptly, every neglect of duty, impropriety or misconduct on the part of any officer.

He shall report to the warden the name of every officer coming upon duty under the influence of intoxicants or without being in uniform.

He shall not grant leave of absence to any officer for a longer period than one day, without consulting the warden, except in cases of emergency.

He shall enforce obedience to the penitentiary rules and regulations, and to all orders given from time to time by the warden, and shall maintain generally the police and discipline of the penitentiary, with the strictest exactness, for which purpose he shall frequently, during the day, at irregular periods and without notice, visit the shops, yard, hospital, kitchen, cells and other apartments of the penitentiary, and the different places where work is in hand, taking every precaution for the security of the penitentiary and prisoners, seeing that the officers are vigilant and attentive to their duties, and that they keep the prisoners under them diligently employed during their hours of labor.

He shall not permit any book, pamphlet, or newspaper to be read by any officer, nor to be in his possession, while on duty in or about the penitentiary.

When a prisoner is received the deputy warden shall see that he is properly bathed, clothed in a penitentiary suit, and duly inspected by the physician and vaccinated. He shall then read and explain to him the rules and regulations for the government of prisoners, give him his privilege tickets, and assign him to duty under the direction of the warden.

He shall at short intervals examine the locks, levers and gratings in and about the entire penitentiary, and see that they are in good condition.

He shall exercise due vigilance, to see that there is no embezzlement of the property of the penitentiary, that not only no willful waste, but also no want of economy in the necessary consumption or the use of supplies takes place, without making such known to the warden immediately.

He shall consider it his duty to make himself acquainted with the social habits and conduct of every subordinate officer and employe and particularly whether, when off duty, he is a frequenter of saloons or other houses of similar resort, or associates with idle or loose characters, and report the facts to the warden.

He shall see that no material is allowed to be placed near the enclosing walls, and that nothing is accessible to prisoners which can facilitate escape. He shall especially see that ladders are properly secured.

He shall have a vigilant eye over every person who may have business about the penitentiary, to see that nothing is carried in or out for a prisoner; and so far as he can, that no communication of any description is attempted by such person with any prisoner, except by authority, and in the presence of an officer.

He shall, every evening, before relieving the guards from duty, verify by actual count the written daily count report furnished him from the office. .

As the Acts of Congress afford to prisoners the privilege of earning diminution of their sentence, it will be incumbent upon all the officers of the penitentiary to give the strictest attention to the conduct and character of every prisoner, his industry, alacrity and zeal in the execution of his work so that the deputy may be able to advise with the warden, as to the recommendations to be made in case of each convict. And for this purpose he shall communicate freely with every officer in charge of prisoners when making his rounds.

The deputy warden shall, under orders of the warden, investigate all reports of offenses committed by prisoners and make disposition of the same. In these investigations the deputy warden shall be careful in endeavoring to arrive at the truth concerning each case; in awarding punishment he shall take into consideration the age, previous conduct, habits and disposition of the offender, so far as he may be able to ascertain the same, and in the administration of punishment he shall take special care to deprive it of all appearance of personal vindictiveness, even under great provocation, at the same time making it sufficiently severe, without cruelty, to secure the end desired. He shall make daily written report to the warden, of all prisoners reported to him, the nature of their offenses, and of all punishments awarded or administered.

The only disciplinary punishments of prisoners allowed to be administered in this penitentiary are: Taking from prisoners one or all of their privilege tickets; reduction in grade; solitary confinement on short rations of bread and water; handcuffing to grated cell door at the height of his breast. Corporal punishment of any kind is prohibited.

CAPTAIN OF THE DAY WATCH.

The captain of the day watch shall attend daily at the penitentiary from the hour of unlocking in the morning until after the prisoners have been locked up at night.

He shall assist the deputy warden in the discharge of his duties whenever called on by him; and in the absence of the deputy warden from the penitentiary, he shall perform all the duties incumbent upon that officer.

He shall assist the deputy warden in maintaining and executing the rules of government of the penitentiary, and report to him any violation of the same, by either the officers or prisoners, that may come under his notice.

He shall keep, mornings and evenings, the time of officers on duty during the day, and report the same to the clerk on the first of each month.

He shall attend the daily sick call, accompanying prisoners who are to see the physician, from the different workshops to the hospital and ordering them to sick call or on duty, as the physician may direct.

He shall have charge of the armory, assigning guards and keepers their arms and accoutrements, and seeing that everything belonging to the armory including the special supply of lanterns, is in good condition and serviceable at a moment's notice.

He shall inspect the arms and equipments of the guards at least once a week, and report any officer whose rifle or equipments are not in good order. He shall frequently inspect all the arms and equipments not in daily use and see that they are kept in thorough repair.

THE CHAPLAIN.

He shall conduct religious services in the penitentiary under such regulations as the warden may prescribe, and attend to the spiritual wants of the prisoners.

He shall obtain from each prisoner, when received in the penitentiary, as complete a statement as possible, of his religious and educational antecedents, and his parental and conjugal

relations and shall make report thereof, on blanks furnished, to the warden.

He may visit the prisoners in their cells, for the purpose of giving them moral and religious instruction.

He shall furnish at expense of the government a Bible to each prisoner who may desire one.

He shall not have any intercourse with the prisoners in the shops or while they are at work, nor shall he hold communication with them, except as may be necessary and proper in imparting to them such secular and religious instruction as is required by law and the penitentiary regulations.

He shall not furnish the prisoners with any information or intelligence in relation to outside matters, except by permission of the warden.

He shall visit daily the sick in the hospital and administer to their spiritual wants.

It shall also be his duty to closely examine all incoming and outgoing mail of prisoners, also all newspapers, parcels and packages addressed to prisoners, and to admit and permit only such matter as is consistent with the general rules of the penitentiary and requirements made known to him by the warden. He shall keep a record of all letters sent and received by prisoners and at the end of each month shall furnish the chief clerk with a statement, showing the total number of letters sent out by prisoners during the month. He shall account to the chief clerk for all money sent to prisoners by mail.

He shall have charge of the library, see that no improper books are placed in possession of the prisoners, and if such books are found, either in the cells, or in the possession of prisoners, he shall take away and deliver same to the warden; and for the purpose of the proper discharge of these duties, he may visit the cells in the penitentiary, and the books so taken away from prisoners shall not be returned to them without the express order of the warden.

Sectarian doctrines in the matter of religious belief shall not be taught, nor shall any attempt be made, directly or indirectly, to proselyte a prisoner. If any prisoner desires communication with a minister or instructor of his particular faith, on proper application to the warden, it shall be allowed, under and in conformity with the law and the general regulations of the

penitentiary; but such minister or instructor, on such occasions, must in all things conform to the rules and regulations for the government of the chaplain; any infringement or departure from which will debar him from future intercourse with the prisoners.

THE PHYSICIAN.

He shall attend at all times to the wants of the sick prisoners, whether in the hospital or in their cells, and shall render them all necessary medical service.

He shall examine weekly the cells of the prisoners for the purpose of ascertaining whether they are kept in a proper state of cleanliness and ventilation, and report the same weekly to the warden.

He shall examine at least once a week, and oftener if he thinks proper, into the quality and condition of the provisions provided for the prisoners, and whenever he shall have reason to believe that any provisions are prejudicial to the health of the prisoners, he shall immediately make report thereof to the warden. He shall also have power, and it shall be his duty, to prescribe the diet of the sick prisoners, and his directions in relation thereto, shall be followed by the warden and steward.

He shall vaccinate every prisoner on his entering the penitentiary, and examine him as to the condition of his heart, lungs and chest, evidences of previous or present hereditary disease, and keep a record of such examination in a book provided for that purpose.

He shall visit the penitentiary every day between the hours of six and ten in the morning. When the state of a sick prisoner requires it, he shall visit at such other hours as he may think the case demands, and if sent for at any time by the warden or deputy warden, he shall immediately repair to the penitentiary to the exclusion of all other engagements.

He shall keep a daily record of all admissions to the hospital, and the cases treated in the cells or elsewhere, indicating the sex, color, nativity, age, occupation, habits of life, period of entrance to and discharge from the hospital, disease and the prescription and treatment in each case.

He shall have full control over the patients in the hospital, subject to the rules of the penitentiary and instructions of the

warden, and shall leave his daily general instructions as to the government, etc., of the patients with the hospital steward.

It shall be the duty of the physician, in case of any prisoner claiming to be unable to labor by reason of sickness, to examine such prisoner, and if in his opinion, upon examination, said prisoner is unable to labor, he shall immediately certify the same to the warden, and such prisoner shall thereupon be released from labor and admitted to the hospital, or placed in his cell or elsewhere for medical treatment, as the physician shall direct, having due regard for the safekeeping of such prisoner, and whenever the physician shall certify to the warden that such prisoner is sufficiently recovered to be able to labor, said prisoner shall be required to labor, and not before.

He shall examine carefully every morning all prisoners in punishment in the solitary cells, and shall make written report to the warden of their condition. He shall be particular to report to the warden in writing any prisoner whose health he thinks is suffering or endangered by the punishment he is undergoing, and shall recommend such changes in the diet of prisoners in punishment as he may think necessary. He shall require the hospital steward to make a similar examination every evening between the hours of four and five o'clock, and make a written report of the same.

He shall, whenever in his opinion a prisoner becomes insane, certify that fact to the warden, giving his reasons therefor, and make on blanks furnished him for that purpose, a brief statement of the general condition of the patient, together with his recommendation as to what disposition shall be made of him.

When a prisoner dies, the physician shall record the nature of the complaint and all the circumstances connected therewith that he may deem proper and necessary and report to the warden.

When the physician considers it necessary, or when required by the warden to make a post-mortem examination of any prisoner, he shall do so within thirty-six hours after the decease. He shall make written report of his examination to the warden, and of his conclusions as to the cause of death.

He shall make a written report daily to the warden, of the attendance at sick call in the morning, and of the disposition made of those reported sick, also of all admissions to and discharges from the hospital, deaths, etc.

He shall, whenever requested so to do by the warden, make a careful examination of any prisoner, and make a written report of his physical condition.

He shall make report monthly to the warden, of patients received into the hospital, or treated in the cells or elsewhere during the preceding month, stating their respective age, color, disease, occupation in penitentiary, quantity and kinds of medicine administered during the month, the time they have remained in hospital, date of commencement and termination of treatment, and number of days during which such patients, in consequence of sickness, have been relieved from labor; also of all deaths and cause thereof, transfers to insane hospitals, etc.

He shall make a yearly report to the warden, for transmission to the attorney general, of sanitary condition of the penitentiary for the past year, in which all information in his daily and monthly reports shall be condensed. This report shall also contain lists of prisoners who have died or been certified to be insane during the year.

THE HOSPITAL STEWARD.

The hospital steward shall be the assistant to and shall act under the immediate direction of the physician. He shall not absent himself from the hospital during the day, except when called by his duties to other parts of the penitentiary, or when relieved by the warden.

He shall be responsible for the nurses, orderlies, and other persons employed about the hospital, and shall see that discipline is at all times maintained, and the security of the inmates carefully guarded.

He shall have charge of the dispensary and the hospital, for the good order and cleanliness of which, and for all its approaches and surroundings he shall be responsible.

He shall have charge of the sick in the hospital, and of the convalescent prisoners, so long as they are receiving advice from the physician, and shall strictly attend to all instructions that may be given him as to their medicine, diet and treatment.

He shall also attend to complaining prisoners, not in hospital, to whom medicine is administered.

He shall see that every ward in the hospital is well ventilated, the bedding and clothing cleansed, and changed when necessary,

the ceiling, walls and floors kept clean, and that all impurities of every description are instantly removed.

He shall attend the physician in his visits to the sick, make up all the prescriptions, compound all the medicines and see that they are administered in the form, and at the times ordered by the physician.

Should the symptoms of any patient appear to him to become aggravated he shall at once report to the warden or deputy in order that, if necessary, the physician may be sent for without loss of time.

Should he observe the death of a prisoner approaching he shall at once notify the warden, or deputy, in order that information may be sent to the chaplain.

It shall be his duty to make a tour of the wards of the hospital frequently during the day, and especially he shall do so as his first duty in the morning and the last duty at night.

When a prisoner is received sick from the cell house during the night, the officer on duty shall immediately notify the warden, or deputy, if the case seems to him to be urgent.

No alcoholic or intoxicating liquors shall be issued to any employe or prisoner under any circumstances, except upon the written order of the warden, or the written prescription of the physician.

THE CHIEF CLERK.

He shall be the warden's accountant, and his assistant and agent in matters of the accounts and fiscal affairs of the penitentiary, and shall, as such, be responsible for the safekeeping and orderly arrangement of all the accounts, vouchers, bills, and other documents of every kind, confided to him.

It shall be the duty of the chief clerk to keep a complete and systematic set of books, which shall show the amount of money under the several appropriations that has been advanced the warden by the treasury department, for the maintenance of the prisoners in the penitentiary, and the expenditures incurred on account of the institution.

He shall also keep a regular account with all contractors furnishing supplies to the penitentiary, and of all purchases of whatever kind and description made by the warden.

His accounts shall be prepared monthly, and in the hands of the warden for transmission to the attorney general on or before the tenth day of each succeeding month.

He shall make to the warden a detailed financial report at the end of each fiscal year; and from time to time furnish him, as required, with such other statements and exhibits as the warden may direct.

He shall assist the warden in making such statements and exhibits as are by law, and under the instructions of the attorney general, required of the warden.

He shall keep convict money journal and ledger accounting, individually, for money deposited by and paid to prisoners.

He shall give individual receipts to all prisoners from or for whom he has received money or other articles of value. He shall not pay out any money received from prisoners, or deliver any valuables so received except upon written order of the warden.

He shall also keep a consolidated check roll, an abstract from all the time check rolls of the penitentiary which, in their aggregate, are daily to correspond with the evening's count.

THE BOOKKEEPER AND RECORD CLERK.

He shall have charge, under the supervision and immediate direction of the warden, of the following books and records: The warden's record of official orders; the convict register and complete index thereto; the discharge register and records; the record of statistics; punishment record; book of daily counts; the commitments of all prisoners received and all papers bearing upon their cases.

He shall take the measurements and photograph of every incoming prisoner as soon as practicable after his arrival, preserve and take care of the negatives, and keep the respective photographs and measurements in orderly arrangement in a case provided for that purpose.

He shall, on the blanks furnished him, take a detailed personal description of every incoming prisoner, and also take his written consent to the examination of his incoming and outgoing mail by the warden or an officer authorized by him.

He shall, at the end of every month, make from the discharge register a complete list of all prisoners to be released during the

succeeding month by expiration of sentence, and furnish a copy of this list to all officers whose business it is to be acquainted with it.

He shall keep such miscellaneous records and other records as the warden may direct, rendering a report at the close of the fiscal year with such statistical information as is required, and shall perform such other clerical duties as the warden may require.

THE PENITENTIARY STEWARD.

The penitentiary steward is the commissary officer of the prison. He shall keep a neat and complete set of commissary books of receipt and issue, and shall make to the warden a daily report of the quantity and value of each kind of food issued, the gross value, the number of convicts fed, the average cost per man per day, and the bill of fare for each of the three meals.

He shall furnish the warden, in due time, an estimate for the quarterly subsistence of the convicts.

He shall keep a watchful eye on all departments of the commissary, guarding against waste and extravagance, and shall be responsible for the cleanliness of the kitchen and dining rooms, and subsistence stores and cooking.

He shall see that each convict gets a sufficiency of such food as may be prescribed by the warden.

He shall carefully check all deliveries of subsistence, and see that in quality they are equal to the sample, and in quantity equal to the amount of the purchase, making proper report to the chief clerk.

He shall have control of the dining room and shall report to the deputy warden any inattention of attendants or disorder of convicts. Perfect discipline must be maintained in the dining room during meal hours and at all times, by the convicts employed in the kitchen, dining room, and all departments under the steward's charge.

The steward shall carefully watch every department under his charge and promptly report to the warden anything he may detect detrimental to the safety and welfare of the penitentiary.

He shall take special care that the utmost cleanliness prevails in the kitchen, the cellars, and in every chamber or vessel in which provisions are kept, or from which they are eaten.

He shall daily attend upon and see to the cooking and serving of the provisions for the prisoners, to the end that no improper food is used, that it is cooked in a proper and cleanly manner, served in clean and wholesome vessels, and equally and honestly distributed to the prisoners.

THE STOREKEEPER.

He shall be the custodian and keeper of all supplies purchased for the use of the penitentiary by the warden or his agent.

He shall personally receive, check from bills of particulars and inspect all goods delivered to him, and report deficiencies in quantity and quality of the same to the chief clerk and also to the warden, who will decide as to their receipt or rejection. He will have charge of issuing supplies to the different departments on requisitions approved by the warden and shall not issue *anything* without having the warden's requisitions therefor, and without making a memorandum bill on manifold bill book, taking and filing receipts in all cases.

He shall, under the direction and supervision of the chief clerk, keep accurate accounts of all transactions in the store and of all receipts and issues, and shall, at the end of each month, or more frequently if called upon, report such transactions, receipts and issues, in detail, to the chief clerk.

He shall, every three months, take inventory of all property in the store, and give a transcript of the same to the chief clerk.

THE ENGINEER.

He shall have charge, under the warden, of all boilers and engines belonging to the penitentiary and of machinery and fixtures employed for the service of the prison.

He shall have charge of the water supply system for the penitentiary, shall be responsible for the condition of the necessary pipes, pumps and other appliances, and for any unnecessary waste of water.

He shall have supervision of the entire steam apparatus for the heating, cooking, ventilating and mechanical purposes of the penitentiary, and shall see that the same is kept in good condition.

He shall have supervision of the sewer system of the penitentiary and direct the construction and repairs of the same.

He shall have charge of the fire department, take care of the engines and test their efficiency from time to time, and see that the fire buckets, grenades, etc., placed in different stations around the penitentiary are serviceable and in good condition.

He shall see that all machinery, tools, implements, stock, or other effects necessary for carrying on the above mentioned duties and industries are properly used, taken care of and accounted for.

GUARDS.

The guards are the agents of the warden in enforcing the police and discipline of the penitentiary, and in carrying into effect the laws for the government thereof.

It shall be the duty of the guards to attend at the penitentiary at the opening thereof, and not absent themselves therefrom, on and pretext or excuse, during prison hours except by permission of the warden or deputy warden.

They shall supply themselves with the prescribed uniform, which shall be constantly worn while on duty; they shall constantly observe the utmost cleanliness in dress, person and habits.

While within the prison, the guards shall refrain from whistling, scuffling, immoderate laughter, boisterous conversation, exciting discussions on politics, religion or other subjects, provoking witticisms or sarcasms, and all other acts calculated to disturb the harmony and good order of the penitentiary.

In their intercourse among themselves the officers and guards of the penitentiary are at all times to treat each other with that mutual respect and kindness that becomes gentlemen and friends, and are required to avoid all collisions, jealousies, separate and party views and interests among themselves, and are strictly forbidden to treat each other with disrespect, or to use any ungentlemanly epithets.

They shall not, while on duty, hold conversation with each other, nor with the foreman, except such as may be necessary in the discharge of their duties.

Neither shall they be engaged, while on duty, in reading or writing, other than making necessary entries, or in any other employment calculated to interfere with constant care and vigilance.

They shall not under any circumstances allow prisoners to speak to them upon any subject not immediately connected with their duty, employments or wants.

They shall keep the prisoners under their charge diligently at work at the several occupations at which they are employed, and shall make report of the attendance at work, also of all time lost by reason of sickness, punishment or otherwise, as instructed from time to time by the warden or deputy.

They shall not permit prisoners to hold conversation with each other, except as directed by special order of the warden, or with any person whatever, except those allowed by law, or to communicate with each other by signs or signals, except in connection with their work.

They shall require the greatest possible cleanliness in the prisoners, their persons and clothing, and in their working and sleeping apartments.

They shall instruct the prisoners in all the rules of the penitentiary, necessary for their government, and admonish them on the least appearance of insubordination.

In all their intercourse with prisoners, they shall be careful to maintain a quiet demeanor, under any provocation, recollecting that the prisoner, however disposed to be violent or abusive, is entirely in their power.

They shall not punish a prisoner, nor strike him, except in self-defense, or to quell an insurrection; nor shall they use any profane or indecorous language to prisoners or in their presence, but shall uniformly treat them in a kind and humane manner.

Whenever a prisoner is guilty of an infraction of prison disciplinary rules, the guard shall at once report the fact in writing to the deputy, stating the nature of the offense, and keeping a copy of such report on the stub of the blank book furnished him for that purpose.

Discipline is the first and highest consideration in a prison and must be maintained at all hazards, but that officer who maintains it with the lowest number of punishments, deserves the highest commendation.

If a prisoner desires to make any complaint to, or have an audience with the warden, the guard shall receive his application and report it in writing to the warden's office, keeping on the corresponding stub of the blank book furnished for that purpose, a copy of such report.

If a prisoner is taken sick or injured during the day, the guard shall at once report the fact to the deputy or the captain of the day watch.

It shall be the duty of guards to keep constant watch over prisoners at work to see that, while pretending to be engaged on the work given them to do, they are not in reality doing something else. Guards shall not allow prisoners to leave their work without permission, nor to speak to nor gaze at visitors.

The duties of guards should be understood as separate and distinct from those of foremen, and the guards will not interfere with or attempt to instruct the prisoners in the manner in which they shall work, or on what particular part they shall labor, or what amount they shall perform; but they shall listen to all reports the foremen may desire to make, and dispose of the cases as instructed.

In forming their opinions with respect to the industry of a prisoner, officers will bear in mind, that as one prisoner may be able to do more work in a given time than another, so their reports on this head will have regard more to the continuous labor of the prisoner, the care bestowed upon it and the evidence of his desire to do all he can, than the absolute quantity he does, as compared with others. An amount of work which may thus be sufficient for one man, may be quite insufficient for another, and the officer's report will be made accordingly.

Guards shall receive applications from prisoners to send or transfer money to friends or for subscriptions to newspapers, etc., and shall send same to chief clerk. Transfers of money from one prisoner to another must be approved by the warden or deputy.

No officer, guard or foreman shall receive from or deliver to a prisoner any article or thing whatever, without knowledge or consent of the warden or deputy.

When a prisoner is sent from one part of the penitentiary to another, the officer sending him shall give him a pass, stating the place from which, and the place to which, or person to whom he is sent. Care shall be taken that the pass is delivered up by the prisoner, and that he is not too long away.

When a prisoner is obliged to retire for necessary purposes, the officer in charge shall take care that the place is so conspicuous that the prisoner can not leave it without being fully seen, that only one person is permitted in the place at a time, and that he is

absent for a reasonable time only. Any delay in such cases should arouse suspicion at once, and the officer must make certain that all is right.

No officer shall take the statement of one prisoner against another on which to make a report for punishment, respecting the prisoner complained of, but shall report the facts, nevertheless, to the warden or deputy.

If a prisoner makes complaint to any officer of any order given him or of any action towards him, by which he considers himself aggrieved, it shall be the duty of the officer to inform the warden thereof, at the earliest moment convenient thereafter, and the warden will act in the matter as he may think reason and justice may require, but the officer shall in the meantime see that the prisoner obeys the order given him.

As soon as the prisoners are locked up at night each guard having charge of a division shall report immediately to the deputy warden the number he has locked up or has in charge, at the same time turning over the cell door keys to the proper officer.

If a guard is absent without leave at roll call, he must at once report the cause of his absence to the deputy warden, who is directed to keep a careful and correct written record of all delinquencies in the guard force. For absence without leave a guard may be suspended, and if the offense is repeated he may be dismissed from the force. A guard desiring leave of absence must apply to the deputy warden one day in advance.

Guards are forbidden to frequent saloons and gambling houses when off duty, and must never enter the penitentiary while in the slightest degree under the influence of liquor. The violation of this latter rule will be cause for dismissal.

When off duty guards must not discuss the penitentiary, or its officers, or become a source of information to inquiries pertaining thereto.

Requests or grievances by guards should be presented to the deputy warden.

Smoking will not be allowed inside the penitentiary walls, except when in the guards' quarters while off duty, or in the guard's room. This rule applies strictly to all employes and must be observed.

When on duty guards will not be allowed any reading matter whatever, except what may be permitted to night guards by

special written permission of the warden. No other guard must be found with reading matter in his hands during the hours of duty.

When going out with prisoners in charge, guards will be sure that their firearms are in perfect order, and that they have the proper amount of ammunition.

When marching prisoners, guards, if armed with shotguns, will carry them at a right shoulder. When posted over prisoners on the ground, they will carry the gun on either shoulder with its muzzle elevated, or under either arm with muzzle pointed to the ground. If armed with pistols, they will carry them in their right hands pointing toward the ground. They will not let the prisoners come closer than five paces, or go more than twenty paces from them, and will at all times face the prisoners, gun or pistol in hand ready for action. For violation of this rule, guards may be dismissed from the force.

Cell house guards will see that the utmost cleanliness prevails in the cells and corridors, that the houses are thoroughly ventilated and warmed when necessary, that the cells are regularly supplied with drinking water, and the regular issues of tobacco, soap and other supplies are properly and impartially made.

They shall also carefully and promptly deliver all letters, newspapers, etc., handed over to them by the chaplain with his "permit" to their respective addresses. They are not permitted to examine or inspect either outgoing or incoming convict mail.

They shall from time to time examine the cell doors and gratings and see that they are in good and secure condition; they shall also occasionally examine and search cells and report the presence of any contraband articles to the warden or deputy.

GATE GUARD.

The gate guard shall be sure that his firearms are in order, and that he has not less than one dozen rounds of ammunition.

He shall not be allowed to read while on duty or to have any reading matter in or about his box. Newspapers must not be handed to him or left in his care.

He must not leave his post of duty except he be relieved by order of the captain of the watch.

He may guard the gate from his box with his gun on the shelf in front of him, or he may guard by patrolling back and forth in the gateway.

He shall allow no persons to stand or congregate in the gate way so as to obstruct his line of vision. He shall require all red numbered prisoners, approaching him in the yard, to halt, and signal with the hand for permission to approach. He shall search all prisoners passing out and in through the gate, if he has any reason to suspect they have contraband articles concealed about them.

He shall direct persons seeking admission to the penitentiary to the captain's office without further conversation, unless he suspects they are improper persons to enter the penitentiary, when he may call the captain to the gate.

He shall inspect all vehicles going in and coming out of the penitentiary and carefully guard against escape by concealment in such vehicles. Vehicles not used in the conduct of the penitentiary shall not be allowed to enter the prison without a guard attendant, except by special instruction of the warden or deputy warden.

He shall be held responsible and see that no prisoner passes out other than those directed to do so by the warden or deputy warden, under the rules governing the institution.

The gate guard is in a position to be especially watchful over the interests of the penitentiary. It is his duty to promptly report to the warden or deputy warden anything he may discover threatening the security or peace of the institution.

WALL GUARDS.

Wall guards shall keep their firearms in perfect order and keep in their towers not less than twenty-four rounds of ammunition.

They shall keep a strict watch, and each wall guard will be held responsible for any escape over the part of the wall under his observation while on duty.

No reading matter of any kind will be permitted in the towers; and the guard while on duty must speak to no one unless it be necessary, and on business pertaining to the penitentiary.

While patrolling on the wall the guard must carry his gun.

If for any reason the wall guard cannot at any time see clearly all that part of the wall under his supervision, he shall at once ring his signal bell and so inform the captain of the watch.

Wall guards are warned to be especially vigilant at early and late hours, during dark and foggy days, and at all times when the convicts are unlocked and upon the yard.

If convicts approach the wall in an unwarranted way, the guard shall warn them away, and if an effort is made to escape it will be the duty of the guard to fire.

CAPTAIN OF NIGHT WATCH AND NIGHT GUARDS.

The night force shall go on duty at the sound of the evening whistle or bell, and remain on duty until the signal is given in the morning for unlocking the cells of prisoners.

The captain shall be held responsible for the security of the prison and see that good order is maintained during the night. He shall make report to the warden in the morning of any unusual occurrence or any violation of the rules and regulations of the penitentiary that may have taken place during the night. It shall be his duty to call the warden at any hour during the night that he may regard his presence necessary.

It shall be his duty to make a thorough inspection of the penitentiary during the night often enough to personally convince himself of the watchfulness of his subordinates in the different parts of the prison.

He shall require of all officers or citizens who shall work inside of the walls at night, a strict compliance with all the rules that prevail in the daytime, and has authority to eject any citizen who does not strictly conform to them.

He shall not, under any circumstances, leave the penitentiary during his time of duty, or until properly relieved, without the consent of the warden.

It shall be the duty of the night guards, having charge of the cell houses to be moving around the cells with "sneak-shoes" on, in a silent manner, that they may be able to detect any unnecessary noise; and it is strictly enjoined upon them not to hold conversation with the prisoners, or to suffer the prisoners to speak to them except to make known immediate wants; they must use their utmost exertions to suppress noise of any kind, and report to the

captain of the night watch any violations of the rules and regulations of the penitentiary by the prisoners while in their cells.

The night officer in charge of the solitary shall closely follow the instructions of the warden and deputy in regard to inmates of punishment cells, and shall every morning make written report to the warden of the number of prisoners in solitary and their condition during the night, noting every unusual occurrence coming under his observation.

The night guard in the hospital shall observe the rules governing the hospital steward in regard to inmates of the hospital, and attend conscientiously to the wants of the sick.

The night fire watch shall make his regular rounds in the penitentiary at short intervals, in such a way as the warden or captain of the night watch, from time to time may direct.

FOREMEN.

Foremen shall be present and ready to unlock shops ten minutes before work bell.

Foremen shall hold no intercourse with any prisoners, other than those employed or superintended by them, nor upon any subject whatever, other than the business carried on by them.

They shall remain at their respective posts until the convicts under their charge are called to supper, giving their entire time and attention to the work in hand. Smoking or reading during working hours are strictly forbidden. They will be relieved from duty during the noon hour. Smoking in the shops is forbidden at all times.

Foremen shall see that men under their charge labor faithfully and diligently, and they will report to the deputy warden the names of convicts who fail in this respect.

When prisoners willfully fail to carry out the instructions of a foreman, or use threatening, defiant or impudent language, or commit any other act endangering the peace and good discipline of the institution, it shall be the duty of the foreman to immediately report the same to the guard in charge.

Foremen shall make requisition on the warden for such material and tools as may be needed in their respective departments, and they will be held responsible for the use of the tools, and the expenditure of material.

TUESDAY—EVENING SESSION.

The Congress was called to order at 8:30 P. M. by the President.

GENERAL R. BRINKERHOFF reported for the Committee on Time and Place that that committee recommended that the next meeting of the National Prison Association should be held in Louisville, Ky., the time to be fixed by the executive committee. The report was adopted without dissent.

WARDEN SCOTT reported for the Committee on Organization. The report was adopted unanimously, and the persons named were declared elected. The names of the officers are printed in the opening pages of the volume.

WARDEN SCOTT moved that at the next annual meeting there should be no general session in the afternoon. The Secretary said that that met with his view.

WARDEN SCOTT. The wardens feel that they need another session besides the one on Monday morning, and they adjourned to the hotel for such a session. By extending the time to six days instead of five, there will be ample opportunity for all standing committees to report. There can be section meetings in the afternoon if it is desired.

The Secretary thought it was well to devote the afternoons to recreation and the visiting of institutions.

The motion was then adopted.

DR. J. B. GILMORE, Toronto, Canada.—I move that the organization of ladies, heads of penal and reformatory institutions be recognized as a sub-section to this conference.

THE PRESIDENT.—Would you be willing to move that the women chaplains and the women physicians should be recognized in the same way?

THE SECRETARY.—How many institutions are there that are under control of ladies? One in Massachusetts, one in Indiana, five in New York, and one in Maryland, and until this year never but one from New York has attended these meetings.

DR. GILMORE.—There are two in Canada, the superintendent of the Mercer Reformatory and the superintendent of the Girls' Refuge.

THE SECRETARY.—Who shall organize such a section?

DR. POTTER, Physician of the Sherburn Reformatory Prison for Women.—The President has suggested that the chaplains and physicians of institutions for women shall also be included in this section. I do not see the necessity. As a physician I am already a member of the prison physicians' section, organized last year and recognized this year. I shall expect to meet with them, and I should suppose that the lady chaplains would expect to meet with the chaplains, and the lady superintendents with the wardens, and other superintendents.

WARDEN GARVIN.—If the lady physicians meet with the men and the lady chaplains with the other chaplains, then why should not the lady superintendents meet with the other superintendents? I should say let things be as they are. They can organize afterwards by themselves if they choose.

On motion of WARDEN BUSSINGER the entire subject was referred to the executive committee.

MR. CHARLTON T. LEWIS.—We are losing the larger part of the power and usefulness of our organization by the simple fact that we have no proper method of reaching the public. The ideas and the principles that are advocated here are not meant for ourselves alone, but they ought to go for the education of the whole community. I therefore move that the executive committee be instructed in behalf of the Association as a preparation of the next meeting of the Association at Louisville, through the sub-committee or such other agency as may be deemed advisable, to communicate with the press of Louisville and other cities to obtain the services of intelligent and sympathetic reporters for our meeting and for the publication of suitable records for the benefit of the public.

THE SECRETARY.—How is Mr. Lewis going to control the management of the great newspapers of the country by a sub-committee of the National Prison Association?

MR. LEWIS.—Having been an editor for some years, and being intimately acquainted with the work, I am entirely confident that such a proceeding would multiply the efficiency of the

Association many times. I will however withdraw my motion for the moment and will present it to-morrow morning.

Captain Edward S. Wright was invited to take the chair.

A paper by Judge L. G. Kinne, president of the Iowa board of control, entitled "Methods of Improving the Management of Prisons", was read by CAPTAIN WRIGHT, in the absence of Judge Kinne.

METHODS OF IMPROVING THE MANAGEMENT OF PRISONS.

In no field of human activity have there been greater changes and improvements in the last half century than in the methods adopted and pursued in the transaction of the world's business. The imperative necessity, which has become greater with each succeeding year, of properly and speedily handling the ever-increasing volume of business, has forced the private individual and corporation to devise means for so doing, which, while certain to secure correct results, would by their simplicity and efficiency permit the traffic of the world to be carried on as economically as possible. The intense competition in the business world has forced the adoption of the best methods until it would appear that there is little chance for further improvement. We all recognize the fact that the proper care and treatment of inmates of public institutions, supported by the state, is the first consideration to be attained. This cannot be had if the business management of the institutions is not efficient and conducted on right principles.

It must be conceded that in the last fifty years there has been vastly more improvement in the methods applied in the transaction of private business, by the individual and the corporation, than in the public institutions supported by the state for the care of its defective, dependent, delinquent and criminal classes. Correct business methods are alike applicable to the individual, the corporation and to the state in the conduct of its public institutions.

In order that I might be accurate as to the facts which in part furnish the basis of this paper, I prepared and mailed to every prison warden in the United States the following questions:

1. Who appoints or elects prison wardens in your state?
2. What is the length of the term of the wardens?
3. Does every incoming new administration of the state government appoint a new warden?

4. Does the warden have absolute power over the appointment and removal of all officers and employees under him, including deputy wardens, clerks, guards, etc.?

5. If the warden does not have such power, who possesses it, and can it be exercised regardless of the warden's recommendations.

DEPUTY WARDENS, CLERKS, GUARDS, ETC.

6. Are deputy wardens, clerks, guards, or other inferior officers or employees required to pass any examination (civil service or other) prior to their being appointed?

7. What is the character of such examination, if any?

8. If no examination is required, are deputy wardens, clerks, guards and other inferior officers and employees appointed on the request of the governor or other state officers, or on the request or recommendation of members of the legislature?

9. Is the man's politics in any way considered in the matter of his appointment to a place on the prison force?

10. Are men who are politically opposed to the state administration ever appointed as wardens, deputy wardens, guards or to any other position in the prison? If so, how frequently has it occurred?

11. Is there any classification of guards as to salary paid, based either upon experience or upon the labor and danger incident to the position held, and if so what is it? Or do all guards receive the same compensation?

SUPPLIES.

12. What officers or employees of the prison receive their board and lodging in addition to a fixed salary?

13. What officers and employees, if any, are permitted to purchase supplies for their own use or for the use of their families from supplies purchased by the state for the use of the prison?

14. Do those thus purchasing supplies from the state pay for them at what they actually cost the state or is a greater price paid?

Answers to these questions disclose the following facts:

The prison warden is in six states appointed by the governor; in three states he is appointed by the governor and confirmed by the senate, council or legislature; in fourteen states the appointment is made by the boards of control, boards of trustees, inspectors or directors; by the superintendent of prisons in three states; by a prison commission in six states, and by a board of charities in one state.

His term of office is indefinite in nine states; six months in one state; one year in two states; two years in six states; three years in one state; four years in nine states; during the term of the governor in one state; during good behavior in four states.

Every new administration appoints a new warden in fourteen states; it does not do so in sixteen states; it is not usual to do so in one state; it is sometimes done but not necessarily so in two states.

In twelve states the warden has absolute power over the appointment and removal of his subordinates; such power is subject to approval or review by some board or other authority in eight states; and in five states subordinate officers and employees are appointed by some other person or persons.

In the states where the warden does not possess such power, it is exercised in some cases by the governor, in others by boards of control, by prison commissions, or prison superintendents.

Civil service rules govern as to all officers except warden and chaplain in two states. A physical examination is required in two states; an examination as to character, fitness and ability is made in three states; forms of applications are required to be filled out in two states; no examination whatever is required in twenty-four states and territories.

Appointments of under officers and employees are made in ten states and territories in part at least upon the recommendation of the governor or other state officer or of a member of the legislature. No attention is paid to such recommendations except as endorsements of fitness in nine states; no attention whatever is paid to such endorsements in eight states.

An applicant's politics is not considered in nineteen states and territories; not necessarily considered in two states; politics is considered in seven states; such places are regarded as "political pie" in one state; the applicant must be a member of the prevailing

political party in two states, and in one state "a man's politics has everything to do with his appointment; this prison is in politics up to its neck."

Men politically opposed to the administration in power are appointed in fifteen states; such men are never appointed in twelve states and territories.

Guards or keepers are classified as to salary paid based upon experience and fitness in four states; based upon position held in three states; based upon length of service in one state and one territory; and based upon fitness, experience, position held and length of service in four states; in sixteen states and territories all guards receive the same compensation. Salaries paid officers, keepers, guards and other officers are as follows:

In New York, keepers \$75 per month and guards \$50 per month.

In Delaware the deputy warden receives \$75 per month and board; foremen \$60 per month and board, and guards \$50 per month and board.

In Indiana guards receive from \$40 to \$75 per month according to ability and fitness;

In Michigan, substitutes are paid \$600 per annum; regulars \$700 per annum; the shopkeeper \$800 per annum and hall officers, steward and assistant deputy warden \$900 per annum.

In Minnesota, guards are divided into three classes; the first class guards are paid \$60 per month; the second class \$50 per month, and the third class \$40 per month, and all receive board.

In Illinois, guards are classified as in Minnesota and receive \$55, \$50 and \$40 per month respectively.

In Wisconsin, wall guards receive \$50 per month and keepers \$55 per month.

In Pennsylvania, night watchmen receive \$650 per year with an increase every five years until \$1,200 per year, the maximum, is reached.

In Texas, guards receive \$25 per month.

In Connecticut, guards are classified and receive from \$30 to \$40 per month, board and washing, and after serving eight years at \$40 per month the salary is raised to \$60 per month with board or \$75 per month without board.

In Arizona, guards are paid \$80 per month the first year and \$100 per month thereafter.

In California and Iowa, guards receive \$50 per month.

In Massachusetts, assistant watchmen receive \$800 per year for the first three years and \$1,000 per year for the next three years and \$1,200 per year after six years' service.

In two states the warden only receives board and lodging; all officers and employees receive board and lodging in nine states and territories; all have board only in one state; all have meals and all except clerk, chaplain and physician are lodged in one state; in another state all officers except deputy warden and clerk have board and all single men lodging; in another state all single guards, keepers, officers and stenographers have board and lodging; married men board only except warden, deputy warden, clerk, physician and superintendent of schools; in one state all are lodged and boarded except clerk and physician, in one state all officers are boarded and lodged; in one state all guards are lodged and boarded; in one state the warden is boarded and the deputy warden and chaplain have house and water only; in one state the warden is provided with house, fuel, lights and water and an allowance for support, and the deputy has a house, water, and lights only; in one state hall officers, engineers, guards and some nurses have board and lodging; in one territory the superintendent, his assistant and the guards are lodged but not boarded, and in another all officers and employees have board and lodging except the warden and clerk; in seven states no officers or employees are either lodged or boarded; in one state the warden and his deputy are furnished fuel and lights only; in one territory all officers and employees are boarded and the warden and guards are lodged.

In twenty-seven states no officer or employee of the prison is permitted to purchase supplies for his use from the prison stock; in one state all officers and employees thus purchase; in one state this luxury is confined to the superintendent and financial agent; in another state any employee can purchase oil and coal; in another the superintendent and assistant superintendent can thus purchase; in one state all officers and employees purchase meat, bread, flour, fuel, ice and forage from the institution supplies, paying contract prices except that for meat a small additional charge is made. In four states these purchases from the prison supplies are made at cost.

I maintain that the best prison management may be expected to result from faithfully carrying out the following suggestions:

1. That the chief executive officer of every prison should never be appointed as a reward for political service.
2. That his appointment should be made solely on his merits and fitness for the place.
3. That this will rarely be done if such officer is appointed by the political head of the state.
4. That the ideal way is that such appointment be made by a board or commission, non-partisan in its make-up, and under a law with all possible safeguards to ensure that the power will be exercised with regard only to the character, ability and fitness of the appointee and reposing in the appointing body the power of removal at any time.
5. The term of office of the chief executive officer should be not less than four or six years.
6. The warden should have absolute power of appointment and removal of all deputies, clerks, chaplains and all other officers and employees and the exercise of such power not subject to review or approval.
7. All officers and employees under the warden (except chaplain), should be required by law to pass a civil service examination before appointment. A physical examination should also be required and appointments be made only from the list of those who have passed the required examination.
8. Also applicants' politics should not be permitted to be considered.
9. Keepers and guards should be required by law to be classified for the purpose of compensation.
10. No officer or employee should be permitted to purchase any article for his own or his family's use from the supplies purchased for the prison.

APPOINTMENT OF THE CHIEF EXECUTIVE OFFICER OF A PRISON.

Why should political considerations be dominant in the selection of the chief executive officer of a prison? These public institutions are conducted by the state and all citizens having property subject to taxation are compelled to contribute for their maintenance. If there be any good reason why positions in such institutions should be used to pay political obligations or as rewards for party service, it is not apparent. Having in mind

always the proper care of inmates, as being of paramount importance, and in case of prisoners, their reformation and ultimate return to good citizenship, the protection of society, and the restoration of the former criminal to the ranks of a producer, can there be any doubt as to the proper and most efficient means for the accomplishment of these ends? Shall the good fellow who belongs to the party in power, whose chief recommendation for office is his ability to successfully manipulate caucusses, conventions and elections for his political friends, for love, money or promised place, be placed at the head of a prison as a penologist, as one who by fitness and experience may be expected to reform his unfortunate fellowmen, who by reason of criminal instinct, or unfortunate circumstances chance to be incarcerated in a states prison? Is not such a course reprehensible from any view point? I maintain that the management of our penal institutions should be placed upon a higher plane; that the methods of the professional politician shall give place to those of the business man and private corporation. If political considerations dominated our great business interests and industries in private life as they are often permitted to do in the conduct of our prisons, business would be paralyzed and bankruptcy would ensue.

Applying sound business methods to the management of our prisons would require that the man in charge should be skilled in business, an adept in discipline, a careful student of crime and criminals and thoroughly in sympathy with his work. These ideals are within the realm of the practical, they can be attained and should be insisted upon. It must not be understood that I claim that all men who are appointed as chief executives of prisons by reason of political considerations turn out badly. On the contrary some of them have proven themselves thoroughly capable for their work. What I do contend is that such a system of appointment is inherently wrong; is calculated to impair discipline, is likely to lower rather than elevate the standard of efficiency in prison management. I think it will be found that in most cases where prisons have been badly managed, where prosecutions have been resorted to against prison officials for unlawful acts committed by them, where the public has been plundered by such officers and where scandals of much magnitude have been unearthed, they have occurred in states where political considerations were all powerful in the appointment of prison officers.

The political prison warden is an expensive luxury for the state, is not in his proper sphere, and is an obstruction to successful and economic prison management. Unless restrained by the law or by some higher authority, he is likely to fill positions under him either because of his own desire to do so, or in order to keep good his party standing, with men who are political pushers only, and whose inability to properly perform their duties is apparent to even a casual observer. The guard force soon becomes an aggregation of politicians who, unable or unwilling to earn a living by honest toil, are retired from the activities of the busy world and become a charge upon the state, nominally known as guards and drawing with great regularity the salaries which are more in the nature of pensions than of salaries well earned.

The chief executive officer of a prison should be appointed by a board or commission, non-partisan, or bi-partisan if you please, in its make-up, and under a law with all possible safeguards to ensure that the power will be exercised with regard to the ability, fitness and experience only of the appointee and reposing in the appointing body absolute power of removal. I would make it a crime for any officer of the state to engage in political work, and if he did he should be summarily removed from his position.

TERM OF OFFICE.

The tenure of office of a warden should be stable. He should know when he accepts the place that if he does his duty and is efficient, he will not be turned out, as he may be and often is now, in fourteen states, with every new state administration which may come into power. A man must have time to formulate and test his theories of management; if he is liable to be removed at every turn of the political crank, it will be impossible for him to do his best in the development of the work of the institution. I would make his term not less than four or six years.

APPOINTMENT AND REMOVAL OF SUBORDINATES.

There cannot be two heads to an institution which is expected to be successfully conducted. Some one person must be clothed with authority to appoint and remove all subordinate officers and employees. The warden cannot succeed unless he has assistants,

deputies, clerks, guards, etc., who are in sympathy with his plans and are loyal to him. How can the head of such an institution be expected to attain the best results if those on whom he must rely for support owe their places to some other power and are therefore independent of him? What loyalty may be expected of any employee who can hold his place because he has a political or other influence which he knows will keep him in his position regardless of what he may do or of the warden's wishes. Such a situation is not only intolerable but is indefensible. Nor is there any danger in lodging such power in the chief executive. Under such a system the warden is accountable to the board appointing him, and all officers and employees under him are accountable to him. They know that if capable, faithful and efficient they may hold their places indefinitely. He is thus enabled to surround himself with men who work harmoniously together, and they are able to and will effect results utterly impossible of attainment under a system of divided responsibility. I have seen this system in operation for years and it has proven efficient and resulted in a great improvement in the personnel of employees. For the reasons already given the wardens act in appointing or removing subordinates should not be subject to review.

CIVIL SERVICE EXAMINATIONS.

From the facts I have gathered there appear to be but two states where civil service rules govern as to the appointment of officers or employees in prisons. I am a firm believer in civil service examinations for all such officers and employees with the exception of chaplains. I would have such examinations of a practical rather than of a purely technical character. As to deputy wardens, keepers and guards the examination should also go to the physical condition of the applicant, moral character, habits, etc. The politics of an applicant should not be permitted to be considered if he be efficient and attentive to his business. It is a disgrace to our civilization that a man, because he holds political convictions not agreeing with the party in power, is barred from serving the state in its public institutions, if he be competent and efficient. The utmost care should be exercised in the selection of employees. If a civil service examination be required and a list of successful applicants be made from which employees must be

selected as needed, it would go far towards eliminating politics from the management of these institutions. It would also result in securing a better and more permanent class of employees. Men would seek the service not so much as a temporary expedient, but would look forward to it as a permanent work.

CLASSIFICATION AND PAY OF GUARDS.

For the good of the service and in justice to the guards themselves, they should be classified. This classification should be based, first, on the kind of service required and the risk incident thereto, and, second, on the length of service. In about one-half of the states all guards are paid the same salaries. It is apparent that a guard, on the wall or at some other place where the risk of injury from convicts is slight, should not receive as much compensation as a guard in a workshop or other place requiring the utmost vigilance and where the liability to personal injury from convicts is constant and great. So it is clear that a guard just entering the service and without previous experience is, ordinarily, entitled to less compensation than one who may have been years in the service. It would seem that there should be also a minimum and maximum wage fixed and that the new man should start in at the minimum and be advanced if efficient from year to year until the maximum is reached. Such an arrangement of salaries as I have suggested would not only be equitable and just to the employees but would tend to promote efficiency in service.

PURCHASING SUPPLIES FROM THE STATE.

In several states prison officers and employees are allowed to purchase for their own use or the use of their families articles from the prison stores, paying therefor what such articles cost the state. This is a convenient and economical plan for the one enjoying its benefits, but is a pernicious arrangement. It would not be long, under such a plan, until the purchasers would get the choicest and most expensive cuts of fresh meats and simply pay per pound what the entire carcass cost the state. Any system which permits the employee of the state to mix his private business with the state's business will sooner or later breed trouble and work an injustice to the inmate who receives what is left after a

choice has been exercised by the fortunate officer or employee. You may say I am assuming that men who are accorded such privileges are not honest. Not at all. I am simply assuming what has been demonstrated in actual practice many times, viz.: That where one has a choice, as a rule, he never takes the poorest article. If salaries are not adequate they should be made so, but no person in the employ of the prison should be allowed to be favored in this way.

POLITICAL ASSESSMENTS.

One more matter demands a brief consideration. It is the practice of levying and collecting from prison officers and employees money for political purposes. It should be made a crime for any one to attempt to make political assessments or collect them or even to solicit them from such persons, and if a prison official or employee is weak enough to respond in such a case, the law should require his removal from his position. Such a law has been in force and enforced in Iowa for more than four years to the great satisfaction of the board of control and all officers and employees in the prisons. The sooner we banish politics from such places the quicker will we advance the standard of efficiency in prison management and place our penal institutions upon such a basis as to command the respect of all good citizens. This great body can do no nobler work and none more lasting in permanent influence for good in connection with prisons than to set the seal of condemnation upon those methods which seek to convert official places in such institutions into berths for those whose only recommendation is that they have been active in politics.

THE INSTITUTIONS OF LOUISIANA.

BY JUDGE ROBERT H. MARR, NEW ORLEANS.

The Prison Reform Association of Louisiana sends a representative to this Congress, that, through personal contact and conference with men, eminent from their knowledge of the science and art of prison management, he may carry back with him much that shall aid us in the work at home. Our Association was founded in February, 1897, but until in answer to our call "Come over into Louisiana and help us!" this Congress met in New

Orleans in January, '99, there had been among us little organized effort, most that had been done having been by members working rather in a common cause, than working in common.

In detailing the progress of reform in Louisiana, as a part of what has been done, it is necessary to lay before you how far the law of that state regulates imprisonment for crime; having done this I shall briefly state what has been accomplished, beside the legislation enacted, and what are our plans and hopes for the future. Thus you will be the better able to point out any error that we may have fallen into, and set us in the right way, if we have gone astray.

We have no code of criminal law, nor of criminal procedure, or of prison discipline. Nor have we any state board of charities and corrections; the Prison Reform Association succeeded in having inserted into the constitution an article directing the legislature to create such board, with duties strictly visitorial, without executive or administrative powers, and without compensation; but all our efforts to induce the legislature to carry out this mandate of the constitution have been so far unavailing.

With us imprisonment is in the penitentiary, the parish jail, the police jail or the reformatory, according to the nature of the offense, the age of the criminal, and the view that the trial judge takes of the case. State control of the penitentiary began January 1st, 1901, under the management of a "board of control", consisting of three members, appointed for six years, except that first appointments were for two, four and six years. The board appoints and removes at discretion a warden, not less than thirty-five years of age, who has immediate supervision over and charge of the convicts and of their discipline. The board is required to make such rules and regulations as are necessary for the government of the penitentiary, and all its departments, subject to the approval of the governor, said rules and regulations to provide for the separation of males and females, and, as far as practicable, the whites and blacks. The board must also "enact rules for the grading and classification of the convicts according to the most modern and enlightened system of reformation, for the assignment of work and the character of the same, for the prohibition of harsh or cruel punishment, and for the right of the convict to communicate directly with the board, the purpose being to restore

the individual to a better man physically, intellectually and morally." Except to provide that a convict shall not be shackled or manacled, the board has adopted no rules of discipline, the whole matter being left to the warden. So far the only classification made, beyond the separation by sexes, is one based upon the character of work which the convict's physical condition fits him to perform; the most robust build levees, the next in point of strength work on the convict farms, the third class are employed in the factory where are made the clothing, shoes and various other articles used by the convicts, the fourth class is made up of those unfit for manual labor. From the report made by the board to the general assembly last May it does not appear that anything has been attempted in the way of reformatory measures, though that report certainly shows excellent business management, and the death rate to have fallen off more than 50%. Good financial returns, a lowered death rate among the convicts are matters that appeal to everyone, that even the dullest can comprehend, such results are of a positive character, but the appraisement of the worth to the community of the reformed convicts, so that when he leaves the prison he may continue a creator of values, and not relapse into a mere destroyer of values, must be largely speculative.

Imprisonment without the qualification "at hard labor" means imprisonment in the parish jail. The jail is under the control and management of the sheriff. Judges, except in New Orleans, may sentence parish prisoners and those who fail to pay fines and costs to work on the public roads, bridges or other public works of the parish wherein the crime has been committed, and such prisoners may be hired out to private parties. When an accused is in jail, in default of bond, awaiting trial, he may, at his own request, be put to work in the same manner as parish prisoners under sentence, and the wages earned by him must be paid to him personally.

Unless so expressed in the sentence labor cannot be required of the parish prisoner; but, if of his own free will he chooses to work, each day of ten hours labor is counted as two days on his sentence. Thus in New Orleans labor and the payment of costs by the parish prisoner are wholly voluntary; in all other parts of the state whether or not he shall be put to work rests in the discretion of the judge. The Prison Reform Association, appreciating the value of well-directed employment as a punitive and reformatory

measure, and believing it to be only fair that persons convicted of crime should be made to pay the costs of prosecution, proposed at the legislative session of 1902 a bill providing that all sentences in criminal cases to imprisonment with labor; and a bill requiring that the costs of prosecution should be liquidated in money or labor. Both bills failed to pass.

Except in New Orleans sentences are not based upon the age of the culprit, for as yet there is no state reformatory for juvenile offenders, but it is made by law the duty of the board of control of the penitentiary to establish as soon as the funds in hand shall permit, the "Louisiana Training Institution" for convicts seventeen years of age and under—there were eighty-seven such in the penitentiary on December 31st, 1901. In New Orleans there are two reformatories: the House of Refuge for boys, the House of the Good Shepherd for girls. To these are sent vagrant children, where they may be kept until they reach the age of eighteen years, but most of the inmates are there under short sentences for crime or violation of city ordinances. Judges in New Orleans may, in their discretion, sentence any person under the age of twenty-one years to the reformatory, instead of to the penitentiary, parish prison or police jail, and this they generally do, unless the youthful criminal has grown so hardened that his influence in a reformatory would be pernicious.

For many years the leasing out of the penitentiary convicts had met with strong opposition throughout the state, but every effort to do away with the system had failed, the public treasury being unable to bear the expense necessary to put into operation state management. Immediately upon its organization the Prison Reform Association entered upon an active campaign for the abolition of the lease system. The arguments were at hand; the economic and the humanitarian. Surely if the lessees were making money out of the labor of the convicts, the state ought to be able to do the same. But it was the shocking death-rate among the convicts, averaging about 8% per annum, and amounting in 1896 to 20%, that convinced the constitutional convention of 1898 that change was a imperative, and an article drawn up by the Prison Reform Association, prohibiting the leasing of penitentiary convicts after the expiration of the then lease, and providing for their employment on state farms, on public improvements and

in manufactories owned or controlled by the state was adopted. With some amendments and omissions, the penitentiary bill prepared by us was passed by the general assembly of 1900. At the legislative session of 1902 we had six bills introduced, three of which, already mentioned, failed of passage, but three of them became laws: "The Juvenile Court Bill", "the Recreant Husband Bill" and the bill "Grading Misdemeanors and Minor Offenses." To prepare these several bills, to discuss them with judges and prosecuting officers and with representatives of the press, so as to obtain indorsement and co-operation, to go over them with the governor, so as to avoid the danger of any veto, to make repeated trips to Baton Rouge, and repeated appearances before the committees of the senate and house required of our legislative committee the outlay of much labor and time.

"The Juvenile Court" act provides that minors under sixteen years of age shall, until trial, be kept separate from other prisoners, and be tried at hours separate from the hours at which other accused persons are tried. Thus in New Orleans the juvenile offender is kept away from contact with other prisoners from the time of his arrest until final discharge, and as soon as a state reformatory shall have been established, the same conditions will prevail, substantially, throughout the state.

"The Recreant Husband" act makes it a misdemeanor for a man to desert wife and children, and provides a means, through prosecution, of forcing him to devote a portion of his earnings to the support of his family.

The constitutional convention of 1898, knowing how important to the security of person and property and to the preservation of public order is the prompt suppression of those crimes known as petty offenses, made all offenses, not punishable in the penitentiary, triable by the judge without the intervention of a jury, vested committing magistrates also with certain limited trial jurisdiction, and to make that jurisdiction effective, directed the legislature to grade misdemeanors and minor offenses. At the session of 1898 such an act was introduced but failed to be adopted. The necessary legislation, however, was obtained at the session in 1902. This act in abolishing preliminary examinations for trifling offenses reduces to a minimum the number of persons in jail, in default of bail, awaiting trial, assures in the district courts a speedier trial of the more serious cases heretofore

works has each day of eight hours counted as two days on his sentence, and, moreover, is given double rations and "such tonics and invigorants as will be best calculated to increase and improve his efficiency." In the police jail are also detained material witnesses and the pauper insane pending removal to our insane asylum.

The law of Louisiana requires each grand jury during its term of service to inspect the prisons in its district, and make report to the district judge of the manner in which the prisoners are treated. For a long time these inspections had been either perfunctory or had attracted little attention. The deplorable condition of the police jail and of the precinct stations induced the Prison Reform Association from time to time, to lay before grand juries what, from the evidence of their own senses, the members of the association knew to be the real state of affairs. Finally in December, '97, the grand jury reported: "That such a place as the police jail is allowed to exist is such an outrage as to demand something more than the usual 'scathing' report from a grand jury every ninety days. The cells into which the keepers are forced to put those of the inmates who have to be confined separately are nothing but ovens built of wood, the floor of which is flat on the ground. They are about eight feet square, with only the door as an opening and when the door is closed the only opening of light and air is a hole in the door about five inches by ten, and this little hole has also a shutter that is raised at the will of the keeper or of any of the prisoners who are confined in the yard into which the cell opens. These boxes contain neither hammock, cot nor bench. At the time of our visit there were confined in these pestilence-breeding holes six insane persons. There is not a beast in the world that is not better served. Good use was made of this report; the city began at once to make improvements; the pauper insane have been more promptly transferred to the state asylum, and whenever the accommodations there have been insufficient, they have been cared for at the city's expense in an asylum in New Orleans. The police jail was overhauled and made more fit for human habitation. A new house of detention, a model building of its kind, to take the place of the police jail, is now nearing completion, and in a few months will be ready for occupancy. New precinct stations have been

erected, or the old ones remodelled. In bringing about these reforms the powerful aiding of the press was invoked and granted.

In Louisiana efforts at redemption must be mainly directed to the state prisoners; terms of imprisonment in the several jails and reformatories are so short, hardly averaging more than thirty days, that effective reformatory work in these institutions is hardly to be hoped for. And we labor under great disadvantages. Not one of our penal institutions is under expert management. Such experts, it is to be hoped, will be developed under the administration of the board of control of the penitentiary. But throughout the state there is no office, high or low, which is not looked upon as the absolute property of the successful faction of the dominant political party, and which is not bestowed as a reward for partisan service. Again, on December 31st, 1901, there were in the penitentiary, in the levee-camps and on the convict-farms 1,143 prisoners, of whom 159 were white, 984 colored, that is to say that while the negroes constitute less than one-half the population of the state, they furnished more than six times as many convicts as did the whites. In the boys' house of refuge in New Orleans there were 23 white and 77 colored, the white population of the city to the negro being as three to one. It is hard to convince most people in our state that the negro is capable of much reformation, certain offenses and sins seem almost innate with him, his conviction of crime makes no appreciable difference in the general estimation in which he is held by persons of his own color. It is unfortunate that there should be two standards of morals: one for the white man the other, too low to be called a standard, for the black man, and until the negro in Louisiana judges himself according to the same rules of decency and morality, holds himself as burdened with the same moral responsibilities, as is the white man, the number of real reformations wrought among negro convicts must be very, very few.

What we hope to do has been outlined in the account of what we have tried to do, but have not accomplished. We must have a code of prison discipline and a code of criminal law, we must have a state board of charities and corrections; we must have a state reformatory for juvenile offenders; the board of control must carry out the law requiring them to adopt measures looking to the reformation of the convict; I was about to say that we must have

the management of all penal institutions removed from the sphere of partisan politics—that may come within the life-time of men now living—we must continue our constant inspection of places of detention and we must continue to see to it that the prisoner is humanely treated.

THE CONDITION OF CHARITABLE AND PENAL INSTITUTIONS IN
NORTH CAROLINA.

BY REV. J. W. HOLT, BURLINGTON, N. C.

The following figures are from the reports directly to the State Board of Public Charities, and are all for the year ending November 30, 1901. The published reports are made biennially, the next to be issued being for the fiscal year ending November 30, 1902.

The state hospital at Raleigh (insane) 437 patients remaining. The appropriation (regular) was \$71,500, with \$1,250 for special improvement and \$10,000 for payment of indebtedness. The per capita cost was \$150 on the basis of 475 patients. The state hospital at Morganton (insane) 745 remaining. The total number treated during the year was 877. The regular appropriation was \$100,000 for support and \$10,000 to discharge indebtedness, also \$50,000 per annum to erect and equip additional building which is now progressing, and the capacity will reach 1,100. The per capita cost was \$133. The state hospital at Goldsboro (insane colored), 467 remaining, whole number treated 522. The regular appropriation was \$47,500, and \$25,000 for addition to buildings now in progress. Notwithstanding some 1,900 were treated during the year in the state hospital, a considerable number of infirm mind are in the county homes, and a few in the prisons, until increased accommodations are completed. Those at the homes for the most part are imbeciles, idiots and epileptics. Those regarded as too dangerous or unfit for the homes are in prison, usually in special quarters. Earnest efforts will be made to relieve such cases as early as possible. The state hospital for dangerous insane has been opened at the state prison. Whole number treated 45, not including four white women in state hospital proper at Raleigh. The quarters accommodate 49. Appropriation \$5,000; and per capita cost \$104.79.

The North Carolina School for the Deaf and Blind, Raleigh, is divided into practically two institutions in separate quarters of the city. It reports 187 white blind pupils and 63 colored. The deaf and dumb department, in which all are colored, has 99. The total is 352. The annual appropriation is \$55,000, with special appropriation for improvements of \$10,000. The average attendance was 260, and the per capita cost nearly \$200. Extensive additions and improvements were made during the year. The North Carolina School for the Deaf and Dumb, Morganton, reported 237 pupils, of which four completed the course and three were discharged. After the completion of some small additions in progress, 300 can be accommodated. The present appropriation is \$40,000, and the per capita cost, including improvement, was \$170. But the cost for support and tuition apart from the improvement was about \$155. A complete water system was added.

The North Carolina Soldiers' Home reported 85 inmates on November 30, 1901, with an average of about 75. The number now slightly exceeds 100. The appropriation for support is \$10,000, with a special appropriation of \$5,000 used last year for building a new dormitory that was much needed. The home is now in much better condition than ever before, all the rooms of the new building having been handsomely furnished by chapters of the Daughters of the Confederacy.

The Oxford Orphan Asylum has 221 pupils. The receipts were \$29,447, of which the state appropriation was \$10,000, the Masons contributing \$4,473. The earnings of the institution were \$12,659, although each child spends one-half day in school. Improvements in progress are additional buildings, etc., to cost \$3,500. There have been placed in approved homes 41; employed on salary, one; sent to college, one. Per capita cost of maintenance alone, \$50.86; with education, \$63.18. The colored orphan asylum (Granville county), had 109 inmates. Receipts \$7,600, of which the state paid \$5,000. Expenditures, including improvements, \$8,049. Placed in approved homes, 20. The children's home, of Buncombe county, Asheville, supported in part by county funds, has two departments, white and colored, maintained separately. There are 28 whites and 14 colored. Since its organization, out of 350 received 275 have been placed in good

homes, 20 died, 10 were taken by parents, and three returned under the law. Many of these are very young, and have been legally taken from vicious or abandoned households. The per capita has been \$30 per annum with voluntary aid.

The Lindley Training School, Asheville, for unfortunate young women, has 18 inmates at present; 50% of those received have been reclaimed to a virtuous life.

The North Carolina states prison is under the charge of Hon. J. S. Maun, superintendent, and the main institution is situated in Raleigh, with farms and camps at several points.

On November 30, 1900, there were 881 convicts—received to close of the financial year, November 30, 1901, 290 convicts; died eight; discharged, 229, escaped 77, of which number 40 were recaptured, leaving 797 on November 30th, 1901. Of these 53 are females, four white, 49 colored. The majority exceed 21 years of age. The health is excellent, mortality showing but eight deaths in a total prison population of 1171. No serious accident or epidemic.

The convicts are employed in cultivation of state farms, and on contract work in different sections. The deposits in state treasury of convict earnings since present management took charge, from April 1st, 1901 to November 30th, 1901, were \$100,002.99. The expenditures for the same period were \$113,378.88. These include the expenses of the month of March under former administration, and the payment of more than \$30,000 of debt of previous administration.

There is not a dollar of appropriation; it is dependent upon products of farms, and the hire of convicts. The state guards, feeds, clothes, and bears all other expenses, and receives 75 cents per day for each convict. A large part of the crops of 1901 remained unused at this report.

Religious services are held regularly at the main prison and the state farms, and a Sunday school is maintained also. The convicts are obedient and as cheerful as men in their position ever are.

The above notes are taken from the report to the Board of Public Charities. Upon the subject of the parole system, the superintendent notes in opposition as follows:

"In my judgment the parole system is totally impracticable in any prison where the percentage of colored prisoners is as great as at this. My experience as superintendent leads me to believe that scarcely one prisoner in a hundred would honor his parole, and if it is desirable to keep this class of people from harassing the public and society in general, they must be strictly confined. As a matter of course I believe it would relieve the pressure for pardons, for the reason that a parole would be a sufficient pardon for nearly every prisoner now in custody who could receive the benefit of it."

The farms now known as the Northampton farm, Caledonia No. 1 and No. 2, and the Tillery farm. The chief industry at the central prison is truck-making. At no time are prisoners under control of any but state guards and officers.

The number of convicts has diminished for several years, because of the establishment of convict camps in many of the large counties to which convicts are sent, except those sentenced for capital offenses, or for terms over ten years. In some cases, workhouses are erected, but usually the camps are movable and the prisoners employed in road building, bridge repairing, and the like.

The administration of punishment is strictly confined to officers authorized to inflict the same.

DISCUSSION.

CAPTAIN WRIGHT.—The father of Richard Vaux prepared the law of 1829 which is the law of the state to-day, and every warden in Pennsylvania is familiar with it. I was warden for thirty-three years and was elected every six months. My friend, Secretary Milligan, on the left has been elected sixty-seven times; I was elected sixty-six times. Warden Cassidy was elected every six months. As a result, during the greater part of Warden Cassidy's administration he was not in political accord with the appointing power, so the remarks about politics being a bar to appointment do not apply here. In the Western Penitentiary we have had officers who served so many years that it was hard to look back to the time when they commenced. I remember one man who was sixty-two years a prison officer. Another served forty years. The compensation begins at \$650 dollars and goes

up to \$900. Then for five years efficient service, they get an extra \$50 up to \$1,200 a year, and quite a number are on the rolls at \$1,200 a year. The paper said nothing about pensions for faithful service on the part of state employees. Such a pension is given in Massachusetts and in some other states, and it ought to be in all the states. A few weeks ago I investigated the work in England and Scotland. After fourteen years of faithful service there, a man is entitled to a pension, and after twenty years the pension amounts to three-fourths pay. And that cannot be touched for debt nor for anything. Prison officers, like firemen in our cities, should be pensioned. The police are pensioned in some cities. You are to visit the Eastern Penitentiary, and I will ask you to give it your best attention. You will find some features that may be safely adopted in all prisons, *i. e.*, a small section of detached cells separate and alone. That is the best thing for degenerates who are the puzzle and bugaboo of all prisons. They do more mischief than all the efforts of chaplains and physicians can undo.

PRESIDENT HENDERSON.—It is our good fortune to have with us one of the representatives of the southern portion of our great and united nation. I want him to feel that we are looking on with sympathy at the effort that the brave and patient band of prison reformers and philanthropists in the South are making, lawyers, judges, physicians, editors, and ministers, who are determined in their own way, with a far better knowledge of the conditions of success, with a far better knowledge of the difficulties of the position than we people can have—are honestly and earnestly and with tremendous self-sacrifice of which we have no conception, are endeavoring to do right by the colored man and the prisoner. I think I can say that this view of the situation is growing among us. We do not expect from them any more than from ourselves, perfect success. We are glad to have one who represents that band of the faithful here, and to listen to his message in regard to the new, hopeful, and inspiring movement towards prison reform in the state where once the great Livingston taught the higher principles of the prison movement, one who belongs to the same profession, a great and learned profession.

GENERAL BRINKERHOFF.—Politics ought to be banished from the prison. It is a great drawback in the conduct of our prisons throughout the country, as it prevents permanency in manage-

ment. How it is to be reached I do not know. I am glad to hear the report from Louisiana. Probably nobody has made more of a study of the prison question in the South than I have. Twenty-two years ago when I was president of the National Conference of Charities and Corrections, I entered into a correspondence to ascertain the condition of the corrections and charities of the South. I wrote hundreds of letters. I got the whole history so far as I could. It was published in the report for 1880. Later I visited the South personally, every single state south of Mason and Dixon's line.

When I entered into this investigation twenty-two years ago, every state had the lease system. It was a necessary system at that time. Great complaint was made about it in the North by people who knew nothing about it, but it was a necessity. The slaves had been freed and immediately crime began among them, and they needed treatment. Under the old slave system the negroes were controlled by their masters. Immediately after the war, when these negro criminals were thrown on society, what could they do with them? The South had no prisons and no money, and they did the best they could; they chose the lease system. The convicts were put out to contractors who gave so much a year for their service. It was a bad system. The death rate was tremendous. But the southern people have begun to improve on that system. There never was a people that met the conditions into which they were thrown more bravely and more kindly than the South. I know the South thoroughly. I was in Tennessee four years when a young man. It was a noble civilization in many ways. It had its faults, and slavery was one, but none deprecated slavery more than some of the large slave holders themselves. The lease system was established everywhere. To-day I think there are but two or three states where it prevails. In Texas, and some other states the convicts are provided for on plantations. They are carefully supervised and there is great progress everywhere. There are no more honorable people than southern white people. They are more religious than we are in the North. They love God and humanity, and they can be trusted to settle this problem. I have been in Louisiana several times, and I have a friend whom I love and admire, Michael Heyman. There is no man more intelligent in prison work, nor more devoted. He has gathered 'round him a body of intelligent,

faithful men in their prison association. I think that association is doing more hard work than any prison association in the United States. I do not except even New York. A few years ago we had an adjourned session of the Prison Congress in New Orleans. The result was seen in advance all along the line. The South is coming to the front and it is going to rise in every direction. I have faith in the future and the South. The time is not far off when in that part of the country we shall find the sheet anchor of the republic. They are all American people there.

PRESIDENT HENDERSON.—We hope Judge Marr will carry our affectionate regards to Mr. Heyman.

WARDEN J. S. MANN, Superintendent State Prison, Raleigh, North Carolina.—I wish to express my grateful feeling for the justice that has been done to us by General Brinkerhoff.

WEDNESDAY—MORNING SESSION.

The Congress was called to order at 10 A. M. by the President. Prayer was offered by CHAPLAIN S. W. THOMPSON, of Joliet, Illinois.

An invitation to visit the printing plant of the *North American* was given and accepted with thanks.

The following resolution was offered and referred without debating to the board of directors:

Resolved, That the President be authorized to appoint a standing committee on Sanitation, which shall consist of three members and report yearly to the Congress.

The following resolution was offered by the REV. D. J. STARR:

Resolved, That the chaplains of the state penal institutions and the secretaries of the state boards of charities in the several states in the United States and Canada, are hereby appointed to secure, as far as possible, the observance of the last Sabbath of October as Prison Sunday in the churches of their respective territories, and that to encourage such observance they are requested to disseminate information on the questions vital to the prevention of crime.

The PRESIDENT stated that Archbishop Ryan had been invited to address the Association at the evening meeting, and read the following reply:

September 17, 1902.

Mr. Charles Richmond Henderson, President of National Prison Association:

DEAR SIR:

- Your kind invitation to Archbishop Ryan to address your Association now assembled in annual convention in this city has arrived during his absence. Permit me to thank you for it in his name, and to assure you that he would be very glad to address

the delegates if he were at home. He is deeply interested in your work, and has observed with admiration the great good that you are doing.

Sincerely yours,

JAMES P. TURNER,
Chancellor.

MR. CHARLTON T. LEWIS.—This matter of criminal identification assumes the highest importance. You are all familiar with the strictly scientific basis on which the practice of identification has been placed by the Bertillon system. I therefore beg to submit the following resolution:

Resolved, That a committee be authorized and requested, in behalf of the National Prison Association, to prepare, sign and present to the Congress of the United States a memorial setting forth the necessity and value of a national bureau of criminal identification, and petitioning for the passage of a law providing for its organization, conduct and support.

MR. EDWARD S. WRIGHT.—The matter referred to in the resolution offered by MR. LEWIS has been before this Association five times. In 1889 a vote was passed asking Congress to take action on it. Since then I have been chairman of the committee twice to urge the same action. I hope the resolution will be passed at once by this body. It is a matter of supreme importance. President Rutherford B. Hayes spoke most earnestly in its behalf when he was with us. The house of representatives has made a favorable report on it. I ask not only for the passage of this resolution this morning, but that a committee of three named from the floor—of whom I beg not to be one—be appointed to aid Colonel Sylvester in this work. Passed.

The Secretary asked that a committee on the Bertillon system should also be appointed. This was accepted by Mr. Lewis as an amendment and the motion was then unanimously adopted, and the committee made up as follows, viz.: R. W. McClaghry, Fort Leavenworth, Kansas; Albert Garvin, Wethersfield, Connecticut; Charles K. Baker, Albany, New York; E. J. Murphy, Joliet, Illinois; John L. McDonnell, Detroit, Michigan.

Report of the standing committee on discharged prisoners was made by HON. A. W. BUTLER, secretary of the state board of charities, Indianapolis, Indiana:

REPORT OF COMMITTEE ON DISCHARGED PRISONERS.

In contemplating the subject of crime, that which is brought prominently to the minds of most persons is the criminal. It is popularly thought that law courts and prisons of all types exist respectively for his trial and confinement. The buildings where justice and punishment are administered are conspicuous landmarks. When these structures appear to view, for one reason or another the thought is first of the convicted ones. It is but natural then, that we should regard the treatment of the criminal as an important study.

The release or discharge of a prisoner then becomes one part of his course. In some states but little progress has been made in comprehending the whole work of criminal treatment. The confinement of the offender and the protection of the public during his incarceration is all that is attempted, and this is done under the theory of vindictive punishment. Elsewhere, efforts are made in training these anti-social members of society. They are given manual training and are taught more or less of that which will be useful to them when they go on the outside. In other states the reformation of the prisoner is attempted. Mind, hand and body are trained. He is taught self-control, the object being to protect society, not only during his incarceration, but also after his discharge.

The subject with which we have to deal is that of the discharged or released prisoner. Who is he? That is the question that comes to us. What relation does he bear to other prisoners and to other men?

A patient is sick and goes to the hospital. He is put in ward, under the care of faithful trained nurses. His case is studied by a physician, who is a specialist. Temporary remedies are applied. Before anything more can be done, the doctor must determine the cause of the sickness. When that is discovered, he knows how to treat the malady. After long weeks of application of the best skill, the fever is broken; the patient is freed from disease. He is very weak and needs to gain strength. He needs careful nursing. The care of the patient during convalescence is as important as

the right treatment of the disease. In the care of the insane, we are coming to hear of the necessity of their after-treatment, their proper oversight when they go forth from the hospitals for the insane, to test their ability to again stand the stress of life among their fellows.

In a certain sense, the question of the discharged prisoner is akin to that of the convalescent patient, and to the after-care of the insane. The discharged prisoner represents one of the phases of the history of the criminal. He is a man who needs the help and the encouragement of other men. His treatment is simply one of the important parts of the larger subject of the treatment of the criminal.

Morrison aptly says: "The supreme, if not the only, object of a properly constituted penal system is to prevent the offender who has been once convicted, from repeating the offense." Prisons, in a penal system, occupy the place of hospitals in the field of public health. They are for the treatment of anti-social men. Their purpose is for public protection. There the offender should be restrained and trained. He should be taught to keep the law and to be able to earn a living.

The stages of the treatment of the criminal are probation, confinement, reformation, readaptation. The first of these we recognize as of the highest value with the first offender; especially if he is a juvenile. Confinement, or sequestration, is that stage which is generally practiced throughout all lands, and its visible sign in our prisons. Reformation is recognized as a theory by most of us, and its practice is attempted in quite a number of prisons. This varies in methods, from the crudest form to the most elaborately designed plans that the mind of men has conceived. Readaptation, or readjustment to the conditions of the world outside the prison, is one of the most important stages in this work. Yet few states have recognized this, and in many individual effort for helping discharged prisoners is not even organized. Even if the preceding stages have shown good results, they may be overthrown by failure to do the right thing in this critical period.

If we go back towards the beginning of the century just closed, it will be found that the prisons received all convicted prisoners. Into the prisons of that time were thrown both young

and old offenders. Boys and girls, men and women, were placed in the same building. Juveniles and adults associated together, and often there was little pretense at sex separation. To our shame be it said, that these conditions exist to-day in local jails in most of our states. In the state institutions there has been greater or less improvement in most states. With increasing enlightenment, our people demanded the separation of boys and girls from the adult prisoners. Then followed the establishment of houses of refuge, or reform schools. The first institution for juvenile delinquents was the New York House of Refuge, established in 1825. Following this, one state after another has taken this step, until most of them now have such institutions. In these it was recognized that the child was entitled to something more than custodial care. Efforts were made to do something for it, to change its ways, to reform its life. The success of these institutions has long been recognized. Children, by good conduct and by faithful effort, gained release on ticket-of-leave.

The scandals that came from the confinement of both sexes in the state prisons were potent in power to secure their separation. Indiana was the first to take this step. She provided for a separate woman's prison in 1869. Massachusetts, New York and Ontario have taken similar action. In other states there is a separate department for women in the state prison, and they are under the direct charge of a matron. Some institutions release women on parole, but from others they go forth only when discharged.

The separation of young men who had not become recidivists was the next step. The New York State Reformatory was the first institution of this kind. Near a dozen states have followed in the establishment of similar institutions. Most of them have adopted some form of a definite sentence, which is necessary for the success of a reformatory. By way of parenthesis, it may be added that it is impossible to properly administer the indeterminate sentence and parole system in an institution under political control. This can only be accomplished where the merit system prevails. Where merit is the test with inmates, nothing less should be required of the officers. Prisoners who show their ability to maintain the rules inside the institution, who have the confidence of the management, and against whom there is no serious objec-

tion from the community from which they were sent may be released under supervision, to test their ability to keep the law on the outside. Some of our states have gone further and extended the indefinite sentence and parole system to the state prison. Elsewhere, in the absence of such a law, the governor grants paroles or conditional pardons.

In the progress of the human race, it has not all moved together. We hear of the old stone age, of the new stone age, of savagery, of semi-barbarism, of civilization. Upon the earth to-day are to be found people in every one of these conditions. The terms noted do not indicate chronological times, but culture stages. So it has been in prison affairs that one state after another has taken up the better way. In some it is much better, in others little above the conditions of a century ago. Somewhere in our land can be found practically all the stages of prison conditions that have existed in the past one hundred years.

In most states the definite sentence prevails. There the prisoner is discharged at the end of his sentence, less his accumulated good time. One after another our states are adopting the so-called "indeterminate sentence." Under it those eligible are released under supervision. There is a great contrast between the prisoner released under these two laws. To no one can the outlook appear so hopeless as to the prisoner released under the old system. No matter what his resolutions, he is not received with confidence. Employment is almost impossible to find, and when found, the other employees, upon learning the newcomer's history, usually demand his discharge. How different it is with the convict who goes forth with the testimony of the prison authorities of their belief in his reformation. It is but natural, when one comes professing reformation, and vouched for by the management of the institution, that we should feel disposed to give him a trial and encourage him in his desire to live a right life.

The discharged prisoner, then, may be one who is conditionally released and who is supervised until final discharge, or he may be one conditionally discharged. The first, or paroled man, may be supervised by some official or private person or organization. Some states employ agents to supervise these paroled men. Prisoners discharged unconditionally do not have state supervision. In some states they are overseen by societies, some of which receive a contribution from the public funds. Elsewhere

the only supervision given them is such as police officials offer. In many states there is no organization whatever for giving aid to discharged prisoners.

In most of our states the prisoner receives something from the government when he leaves the prison. This may be clothing, railroad ticket, or cash, or all three. In some prisons the convict earns money from over-work; again he receives from the state a small sum for every day he works. This is paid out upon his order to friends or relations during his confinement, or to him upon his discharge.

Three different methods are to be noted as employed in aiding paroled or discharged prisoners. These are (1) industrial homes; (2) voluntary societies, engaged in finding employment and assisting released prisoners; (3) state agents for supervising paroled men. There may be a combination of two or all of these methods.

Best known among the industrial homes are the D'Arcambal Home of Industry, Detroit, and the Hope Halls of Mrs. Maud Ballington Booth. The former for years has done a noble work. At the recent National Conference of Charities and Correction at Detroit, many strong testimonials were given of the work of its founder and the value of this institution. The following regarding Mrs. Booth's prison work is based on an article in the *New York Independent*, September 6, 1900, and corrected to date:

"The Prisoners' League of the Volunteers of America, to which Mrs. Maud Ballington Booth has given so much attention, has been at work for about six years, and now has branches in the prisons at Sing Sing, Auburn and Clinton, N. Y.; Trenton, N. J.; Charlestown, Mass.; Joliet, Ill.; Columbus, Ohio; Canon City, Col.; Baltimore, Md.; Folsom and San Quentin, Cal., and Lansing and Ft. Leavenworth, Kansas. The number of men enrolled is about 10,000, although many of these are now free. About 1,300 men have passed through the homes (Hope Hall) maintained for their benefit, of whom about 75% are doing well. As the number of men confined in our penal institutions is about 84,000, Mrs. Booth's field of labor still remains a wide one. The membership of the League involves a pledge: (1) to faithfully obey all the regulations of the prison; (2) to refrain from evil language and crooked practices in prison; (3) to live an upright life among companions, and to influence them for good as far as the prison rules will allow, and (4) to pray every morning and night and to

read the passages of Scripture from the 'Day Book' (Daily Light). The League bears the names of Protestants, Catholics and even Hebrews on its rolls. The largest membership is at Sing Sing, where there are 645; Columbus, Ohio, (the largest prison in the country) has 600, although the branch was only started last January. On the fourth of July the members of the League there had an open air meeting in one of the prison parks, the officials of the institution and many visitors being interested spectators of such a unique function. The two Hope Halls at which prisoners can stay until employment can be found for them, afford most satisfactory results. The number of positions found by the officers in charge of that at Chicago is so large that a rule has been made that a man must remain there at least a fortnight before going to a situation. Under the terms of the indeterminate sentence law, the Hope Hall officers there are taking men out of prison at the rate of a dozen a month, reporting for them and obtaining their discharges for them at the end of the twelve months' good conduct required by the state."

In 1776 the first Prisoners' Aid Society was organized in Philadelphia. Possibly the work of John Howard, who was then calling attention to the terrible conditions of European prisons, may have been instrumental in helping to bring this to pass. This organization is now called the Pennsylvania Prison Society. Its purpose is to help discharged prisoners. It has had a long and useful career. Other societies followed, one by one. The New York Prison Association, the Massachusetts Society for Aiding Discharged Convicts, the Connecticut Prison Association and the Maryland Prisoners' Aid Society are those which have been most active and are most generally known. A new organization in this field is the Central Howard Association of Chicago. Some associated charities have done good service in this work. Rescue Missions have also been helpful. An excellent article by Philip W. Ayres, on "Care for discharged prisoners in the United States," is printed in the proceedings of the International Congress of 1900, at Brussels.

The work is an enormous one. The workers are few. Organizations are fewer. Our churches are beginning to atone for past neglect by an awakening interest. They are coming to realize that the work to be done is not only that of saving men after death, but also saving men during life.

In Europe, prisoners' aid societies were not started until 1815, but the idea has spread more widely than it has with us. The result is a much greater number of organizations than in America. The number in England, France and Switzerland is especially large. In 1895, Dr. Barrows reported ninety societies in Great Britain, nearly fifty in France, and twenty-five in Switzerland, while there were not more than five active societies in the United States. The result in this country shows little change from that then shown. Mr. Hart points out in his address before the National Prison Association at Nashville, in 1889 that there is a marked difference in the plan of work of the European and American societies. Most of the European societies confine their work exclusively to aiding discharged prisoners. Those in America, in addition to this, endeavor to secure needed legislation and to improve prison discipline.

The following states have reformatories operated under the indefinite, or indeterminate sentence and parole laws: Colorado, Illinois, Indiana, Kansas, Massachusetts, Minnesota, New Jersey, New York, (two, Elmira and Ellensville), Ohio and Pennsylvania. The Wisconsin Reformatory has both a definite and indefinite sentence. At the reformatory at Ionia, Michigan, which has definite sentences, it is customary for the governor to grant paroles.

In the following states the indeterminate sentence law applies to the state prison also: Colorado, Illinois, Indiana, (both the state prison and the woman's prison), Massachusetts, New Hampshire and Vermont (the prison and house of correction at Rutland). In Connecticut, Minnesota and New York (at Sing Sing and Auburn) prisoners are received under both definite and indefinite sentences.

Agents are employed for finding work for and visiting paroled men in Connecticut, for the state prison at Wethersfield; Illinois, the penitentiaries at Joliet and Chester and the reformatory at Pontiac; Indiana, the reformatory at Jeffersonville and the state prison at Michigan City; Kansas, the industrial reformatory at Hutchinson; Massachusetts, the reformatory at Concord, the reformatory prison for women at Sherborn, and the state prison at Charlestown; Minnesota, state reformatory at St. Cloud and the state prison at Stillwater; New York, the prisons at Sing Sing, Auburn and Dannemora, the reformatory at Ellensville,

the House of Refuge for Women at Hudson, the Reformatory for Women at Bedford, the New York State Reformatory at Elmira having a parole officer in New York City; Ohio, the reformatory at Mansfield.

No prisoners are released on parole in most reformatories until employment is found. In general there does not seem to be any difficulty now in finding employment for every paroled man. This is especially true in the West. The experience the past five or six years has been substantially this. In fact, some employers of labor are coming to look upon the paroled prisoner as most desirable help for positions where faithfulness is required. This is doubtless due to the fact that he cannot change his place of employment without permission.

There is a great change of sentiment in the last three years regarding the prisoner. We hear of this from many sides. I have to be pardoned for referring to Indiana, but I know the facts there better than elsewhere, and I think from what I can learn that they but illustrate what is true in some of our other states. Prior to 1897 we heard little of the parole law. Few persons except those who were students of penology knew of it, and the prisoner in prison and the discharged prisoner were looked upon by the public as they still are in other states where the indeterminate sentence is not now known. The parole law has now been in operation for something more than five years. In the first five years of its existence, 1,132 men were paroled from the reformatory. These have gone almost entirely into the homes and shops of our state. Many have gone to work on farms. The educational value of the parole system in impressing men with the necessity of helping their unfortunate fellowmen has perhaps not been appreciated. No employer has put to work any large number of men. Those on parole have been distributed very widely throughout the state and elsewhere. One has employed four men; another has had nine men and has three at the present time; a third has six men, and two others have seven. The following letter relating to one of the employers above referred to is interesting:

"In accordance with your request, I interviewed Mrs. S——, of the —— Hotel, and find that during her experience with paroled men, she has had at least eleven in her employ. She reports that with the exception of two, every one of those employed has done well. She reports also that she never has

caused the return of one of her paroled men to the reformatory, although she has had to ask the agent to find other places for two that did not see fit to comply with her rules and were stubborn and hard to get along with. She has at present as chef, a man who came to her on parole and while in her employ completed the term of sentence and was discharged. He afterwards married, and his wife is also employed by Mrs. S—— with him. She has three paroled men now and reports them all doing well. She tells me that she has had to pay the same scale of wages that she would pay men who are not convicts, but that she prefers to employ paroled men because they cannot on occasion, rise up in their might and disappear. Altogether she is in favor of the parole system, and has some very good ideas in regard to the treatment of paroled men, one of which is that no other employee is ever allowed to twit the paroled man of ever having been in prison."

At the state prison in the five years, 502 have been authorized for parole, 483 having been released. In a certain county near the prison, seventy-seven men have been placed. Every week requests are received from the same locality for more men. The warden says: "We are compelled to refuse many of these requests, for the reason that we believe it unwise to place too many in one vicinity. At the present time there are thirty-one men on parole in the county above referred to. Forty-eight have been placed in another more distant county, with sixteen now reporting. The largest number placed with any one man was with Mr. T——, who has given employment to ten men, two of this number having violated their parole. Mr. H—— has given employment to five, none of whom have violated their parole. At present he has three in his employ."

I quote another letter from an employer, who has had men from both the prison and the reformatory: "I have had eight men from the reformatory and four from the prison. I now have two paroled men and one who has just received his discharge. All of these men have done well—wonderfully well. I have just had a letter this morning from one who went to Dakota. He tells me about his achieving what is to him a great success. I do not believe that one of these men will ever return to criminal ways. One of the men has been in prison five times. I have had a sort of general oversight of and been a general adviser for most of the men in this locality who have been paroled and if one thou-

sandth part of the good that has been done could be done by a similar effort on my part in the future, I would think I was well repaid for doing it."

We are forced to remember that by far the greater number of prisoners are discharged at the expiration of sentence. Few states have a system of parole. Fewer still have reformatories operating under indeterminate sentence and parole laws. Even in these latter states, a certain number of prisoners are finally discharged from the prison door. What a great number of convicts altogether there is turned loose in our country. In few states are there organizations to aid them. Few of them are given the help of a friend. Most of them have no one really interested in their welfare. This is a great problem for the solution of which this Association stands. It has labored with some effect to bring this cause to the attention of Christian people, and to that end will continue to work.

The indeterminate sentence and parole law has been in operation at the Indiana Reformatory since April 1, 1897. In the five years ending April 1, 1902, there were paroled 1,132 men. Of this numbre, 558 have received final discharge; 118 were returned to the institution; 113 were delinquent; 21 died; the time of 110 expired and on the date mentioned, 212 were still reporting. The total earnings of these 1,132 men while on parole, amount to \$168,341.57, and 552 received board for 4,273 months, valued at \$51,276. On April 1, 1902, they had on hand or due them \$30,900.35.

From the Kansas Industrial Reformatory, located at Hutchinson, 126 men were paroled during the year ending June 30, 1902, and of this number, three were returned to the institution, 23 were delinquent, and 100 are still reporting. From March, 1899, to June 30, 1902, there were paroled 376 men, and these are accounted for as follows: Received final discharge, 136; returned to the institution, 19; delinquent, 93; died, three; time expired, 10; still reporting, 115. The financial reports show that 91 paroled men have earned \$8,688, and in addition received board for 543 months, valued at \$6,516.

The New Jersey Reformatory, located at Rahway, was opened in August, 1901. It operates under the indeterminate sentence and parole law, and during its first year two men were released on parole. One of these died. The other is still report-

ing and his wages from July 21, 1902, to August 31, 1902, amounted to \$60.

The Wisconsin Reformatory, at Green Bay, paroled 34 men during the year ending June 30, 1902, of whom two were returned to the institution, seven were delinquent, four were released on expiration of sentence, and 21 were still reporting. From Sept. 1, 1898, to June 30, 1902, 116 men were paroled, accounted for as follows: Received final discharge, four; returned to institution, 13; delinquent, 14; time expired, 50; reporting, 35. The report received from the reformatory states that prior to July 1, 1901, the wages earned by paroled men were paid direct to them, and no record of them is available. On the date mentioned this policy was changed and the employer of a paroled man now either boards him or pays his board and remits to the institution the remainder of his wages. This, with the amount earned prior to his parole, is retained by the superintendent, the prisoner being permitted to draw small amounts for immediate needs. At the expiration of sentence, the balance is turned over to him. On July 1, 1902, there was on hand in the institution, belonging to 27 prisoners paroled during the year, the sum of \$1,277.70.

The Massachusetts Reformatory, at Concord, reports 538 men paroled during the year ending Sept. 30, 1901, of whom 41 were returned to the institution, one died, 175 were released from reporting because of expiration of sentence, and 321 continued to report at the end of the year.

In the Minnesota Reformatory, at St. Cloud, the parole law has been in operation twelve years, during which time 936 have been released under its conditions. Of this number, 686 have been discharged, five were pardoned, four died, two were executed, one was transferred to prison, 123 were returned to the reformatory, 52 violated their parole, and 63 were reporting July 31, 1902.

From Sept. 20, 1896, to Nov. 1, 1902, the Ohio Reformatory at Mansfield, paroled 891 prisoners. During that period, 547 were given final release, 108 were returned to the institution, 59 were delinquent, and two died. On Nov. 1, 1902, 175 of the paroled men were making regular reports to the institution.

The Connecticut State Prison has both definite and indeterminate sentences, paroles being granted by the Board of Pardons and the Board of Parole. In the year ending Sept. 30, 1901,

seven men were paroled, all of whom were still reporting at the end of the year. In the four and one-half years ending in June, 1902, 17 men were released on parole, of whom one has received final discharge, one has been returned to the institution, the time of ten has expired, and five are now reporting. These men have earned \$8,340.22 in wages, and have received board valued at \$1,539.33. They had on hand or due them in June, 1902, \$1,643.40.

Since April 1, 1897, the Indiana State Prison has been acting under the indeterminate sentence and parole law. In the five years ending April 1, 1902, 483 men were released under its conditions. Nearly half of these, 203, have received final discharge; 155 are still reporting; eight died; 47 were discharged because of the expiration of their maximum sentence; 34 were returned to the institution, and 36 proved delinquent. The total earnings of the men on parole amounted in the five years to \$98,654.79, and at the time of the last report, \$28,887.93 of this was on hand or due them.

From the Minnesota State Prison at Stillwater, there have gone out on parole during the year ending July 31, 1902, 66 men, of whom five have been returned to the institution, six are delinquent, 18 have been released on expiration of sentence, and 37 are still reporting. These men during the year earned \$8,243.14, and had on hand or due them \$2,842.11 at the end of that period. The law has been in operation ten years in this institution, and 566 men have been paroled in that time. The records show that 84 of these received final discharge; 62 were returned to the institution; 15 were delinquent; nine died; the time of 353 expired, and 43 are now reporting. The earnings of these men on parole amounted to \$114,362.32, of which \$16,772.56 was on hand or due July 31, 1902. Two hundred and sixty-nine men received board for 3,368 weeks, value, \$38,630.96.

Several reformatories have sent us reports showing the number of men paroled, but state that the information regarding the earnings of men on parole have either not been kept, or have not been tabulated. In the two years ending Nov. 30, 1901, the Colorado Reformatory, at Buena Vista, paroled 206 men, of whom 58 received final discharge, 16 were returned to the institution, 62 were delinquent, one died, and 69 are still reporting. From the Michigan Reformatory at Ionia, 21 men were paroled

during the year ending June 30, 1902. Of this number, two received final discharge, one was returned to the institution, one was delinquent, one died, and 16 were still reporting. During the seven years ending June 30, 1902, there were 145 men paroled, of whom 113 received final discharge, five were returned to the institution, four were delinquent, seven died, and 16 continued to report.

The New York State Reformatory reports 410 paroled men during the year ending Sept. 30, 1901, of whom 91 have received final discharge, 34 have been returned to the institution, 91 have proven delinquent, four died, and 190 are still reporting. In the twenty-five years in which this law has been in operation in this institution, 7,010 have been released on parole, of whom 4,988 have received final discharge, 497 have been returned to the institution, 1,283 were delinquent, 52 died, and 190 are now reporting. Sixty-five men have been paroled from the Eastern New York Reformatory, at Ellensville, of whom four have been returned to the institution, seven were delinquent, one died, three were released on expiration of sentence, and 50 are now reporting. The Pennsylvania Reformatory at Huntingdon, in the year ending December 31, 1901, released 142 men on parole; 102 received final discharge, 11 were returned to the institution, 21 were delinquent, one died, the time of four expired, and three continued to report.

From May 11, 1901, to July 26, 1902, the New York Reformatory for Women at Bedford, paroled 13 women, of whom two have been returned to the institution, one is delinquent, and 10 are reporting regularly. Only three of these women are earning wages, two as domestics, at \$2.50 to \$3.00 per week, the other in a factory at \$5.00 to \$8.00 per week. From the House of Refuge for Women located at Hudson, New York, 639 women have been paroled from May, 1888, to Sept. 1, 1902. More than half of these, 313, have been released through final discharge; 114 have been returned to the institution, 88 have proven delinquent, 24 died, one is insane, the term of sentence of 80 has expired, and 19 are now reporting.

Both the Illinois penitentiaries operate under the indeterminate sentence law. From the prison at Joliet, 371 men were paroled in the year ending July 31, 1902. Of this number, 36 have received final discharge, 20 have been returned, 53 are

delinquent, six have died, and 256 continue to report to the authorities. From July 1, 1895, to Sept. 30, 1900, 1,338 men were paroled, of whom 631 received final discharge, 164 have been returned to the institution, 246 have proven delinquent, 23 have died, and 274 continue to report. The Illinois Southern Penitentiary, Chester, reports that an average of 300 men are paroled each year, that about 20% violate their parole, and that about half of the violators are returned. In the year ending July 1, 1902, 290 men were paroled, of whom 31 were returned to the institution. From the New York state prison at Sing Sing, in the ten months ending July 31, 1902, 124 men were paroled. Thirty-six of these have received final discharge; of the remaining 88 three have been returned to the institution, 25 have proven delinquent, the time of 14 expired, and 46 are still reporting. The Kentucky branch prison at Eddyville, reports 41 men released on parole by the prison commissioners during the two years ending June 30, 1902, of whom six received final discharge, five died, and 30 are still reporting.

From Arizona, Iowa, Michigan, Nebraska and Virginia, reports have been received of the prisoners released on parole or conditional pardon by the governor. To the prisons in each of these states, men are sentenced for a definite time. From the territorial prison at Yuma, Arizona, 14 men were paroled in the year ending June 30, 1902, of whom one has received final discharge, seven are delinquent, one has been released on expiration of sentence, and five are now reporting. In the seven years ending on the same date, 55 men were paroled, only two of whom have been returned to the institution, and five are now reporting. Of the remainder, the superintendent writes:

"The great majority of them stand released by reason of final discharge. The other few have drifted out of the territory likely, and in a country like the southwest, where a considerable portion of the population is drifting element, it is no easy matter to keep in touch with all."

An interesting letter has been received from Hon. L. M. Shaw, secretary of the treasury, regarding the release of prisoners on parole during his administration as governor of Iowa. The following is quoted: "I granted no clemency to second offenders, but I tried to encourage what might be termed accidental criminals. The result was most satisfactory. I released only after

steady employment was secured, and on the condition that the released convict should work days, stay at home evenings, and account for his wages. A few—I do not remember how many—proved recreant and were returned. A very few escaped beyond the state and succeeded in eluding detection. I returned some to the penitentiary solely because they would not work. I notified the judge and county attorney that I would parole any one they might recommend, before they went to the penitentiary. As a result of this, quite a number never saw the great doors close upon them, and their record was as gratifying as any."

During the year ending June 30, 1902, the governor of Michigan paroled 30 men from the state prison at Lansing. Twenty-two of these are still reporting. Of the remaining eight, four have received final discharge, three have been returned to the institution, and one died. From October, 1895, to June 30, 1902, 191 men were paroled, of whom 112 have received final discharge, 25 have been returned to the institution, three were delinquent, five died, and 46 are still reporting.

From the Nebraska state prison, at Lancaster, 47 men were paroled during the year ending Nov. 30, 1901. Of this number, 28 have received final discharge, 10 were returned to the institution, nine proved delinquent. Since the system has been in operation in this state, 69 men have been paroled, of whom 28 have received final discharge, 10 were returned to the institution, and nine were delinquent. Twenty-two continue to report. In the year ending Nov. 30, 1901, the 47 men paroled earned about \$6,500. This was paid direct to them as earnings. The governor of Virginia paroled 115 men from the state prison at Richmond during the year ending Sept. 30, 1901. Four of these were returned to the prison. During the two years ending Sept. 30, 1901, 241 were paroled.

The report of the minister of justice of Canada, for the year ending June 30, 1901, speaks of the results of the parole law as follows: "The operation of the parole act during the past two years has given a check to the gradual increase of prison population that marked previous years. The benefits which have resulted to discipline from the hope afforded to convicts, together with the small number of lapses reported, justify the belief that its operation has proved decidedly successful." The convicts released on parole from the five prisons reported on were as follows:

	1900	1901
Kingston	20	47
St. Vincent de Paul	28	43
Dorchester	20	16
Manitoba	2	4
British Columbia	1	12
	<hr/> 71	<hr/> 122

In regard to those paroled from the British Columbia prison, the warden says: "From personal observation and inquiry, I have found that not one of these twelve men has in any way committed a breach of trust. They are all living good lives and so far have proven that they were but accidental criminals."

Why should we help the discharged prisoner? Not because he is a criminal and has been a prisoner, but because he is a man and needs help. That is the unselfish reason. Proper after-care of the discharged prisoner is right for the protection of society. That is the selfish reason.

What can be done for the discharged prisoner? That depends upon what has been done for him by the state while he was in custody. The results in states where there are reformatories compared with those in states which have none show striking contrasts. In some of our states where the statistics have been kept, they show that from 75% to 80% had no trade when convicted. How is it when they are released? If the state does nothing for them when they are in prison, but little can be done when they come out. If the state does its duty to fit the convicts for self-support, much can be done for them when they are released. If in the prison they are taught industry, self-control, sobriety and acquisitiveness, there is some hope for our efforts.

"By their fruits ye shall know them." What are the fruits of our prisons? To grow a crop we wait until the soil is ripe and then break it. It must then be thoroughly prepared. We must sow good seed. The ground requires thorough and regular tillage as long as the crop will admit. We may do all this and fail of a crop. We may plant the seed, it may sprout, put forth leaves, grow tall and blossom and not accomplish its purpose. The plant does not exist to grow leaves or to bloom. Its reason for existence is to bear fruit. A prison or reformatory may be clean, well-organized, well-administered, and show well, yet it may do

little in preparing its inmates to keep out of prison hereafter. That is the fruit of such an institution. Fruit is what we want.

While the men and women who are discharged from our prisons should be aided, what is done for them should be to help them to help themselves. As a rule they should be helped by giving them work. Employment and personal friendship are the things most needed. Valuable hints may be had from charity organization society methods. Their motto, "Not alms, but a friend", is one fitting for this work. If the chiefs of police of our cities and the wardens and superintendents of our prisons and reformatories could thoroughly understand each other, so there would be efficient co-operation, the result would be helpful to police work, to the prison and to the discharged prisoner. If our judges and our ministers of the gospel could be induced to visit the prisons and see the conditions and note the results, they would become interested. The result would be of great help to each. The benefit to the work would be incalculable. Who could foretell the results to the convicts?

Why is it that more has not been attempted to aid prisoners? Because the public lacks information and the people are indifferent. We must educate the public. It needs to know the facts. Mrs. Booth is doing a great work in this special field. Prison Sunday should be utilized all over our land to bring the facts to the public. The greatest work that can be done for the discharged prisoner is the education of the people.

There is appended hereto a larger table in which it is attempted to give in synoptical form the relation of the institutions in the different states to the paroled and discharged prisoners. Following this, there is also given a statement of the system employed in the several states and territories of the United States, together with the results obtained from their administration, and any additional information that has been obtained concerning discharged and paroled men.

Respectfully submitted,

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Committee.

RELATIONS TO PAROLED AND DISCHARGED PRISONERS.

ALABAMA.—The penitentiary at Wetumpka is the only institution of its kind in the state. J. M. Carmichael is the president of its board. Sentences are for definite periods, but paroles are granted by the governor. At the end of the term for which he was sentenced, the paroled man receives final discharge, unless his parole has been revoked by the governor.. Nothing whatever is done by the state for either paroled or discharged prisoners. Release is given either at the prison, or at the place of employment, if under a contractor.

ARIZONA.—The territorial prison is located at Yuma, Herbert Brown, warden. This territory has no reformatory for adults. All sentences are for a definite time. Paroles are granted by the governor of the territory. There is no provision for finding employment or homes for paroled or discharged men, or for visiting them after their release. The territory does not find work for the discharged prisoners, nor are there any organizations in the territory doing so. Prisoners receive their release at the prison, receiving from the territory a suit of clothes and \$5 in money.

ARKANSAS.—The state penitentiary is located at Little Rock. Reese B. Hogins, superintendent. There is no reformatory for adults in this state, and no provision for finding employment for discharged prisoners, either by the state or a private organization. Sentences are for a definite time. The governor may grant free or conditional pardons. The state has no parole system. Prisoners are discharged at their place of work, and receive from the state a complete outfit of clothes and \$2 in money.

CALIFORNIA.—California has two state prisons, one at San Quentin, M. G. Aguirre, warden; the other at Represa, Sacramento County, Thomas Wilkinson, warden. There is no reformatory for adults. Sentences are definite. While there is no indeterminate sentence, paroles are granted by the state board of prison directors. Conditional or unconditional pardons are the governor's prerogative in the case of first termers only. Recidivists must have the consent of a majority of the justices of the

state supreme court. No applicant is paroled until he has secured employment with some responsible, reputable person. This he may do either by correspondence, or through the aid of his friends. The agreement for employment must be in writing, and the employer's responsibility certified to by the county clerk in the county where the employment is secured. A deposit of \$25 is required to defray the expense of returning a prisoner in case he violates his parole. No provision is made for visiting paroled men. The paroled prisoner is finally discharged at the end of his term. The state prison reports that the California prison commission finds employment for discharged prisoners, but that only a limited number apply for such assistance. Prisoners are discharged at the prison. Each receives \$5 in cash and transportation to the place of conviction, or its equivalent in money.

COLORADO.—The prison is located at Canon City, warden E. H. Martin. The reformatory is located at Buena Vista, warden Jos. H. Smith. The indeterminate sentence is in force at both institutions. At the prison paroles are granted by the governor and a board of pardons, and at the reformatory by the commissioners and warden. No provision is made for finding employment for paroled or discharged men, and the superintendent of the reformatory states that he knows of no private society organized for this purpose. A prisoner paroled from the reformatory receives his final discharge at the end of one year; from the prison, at the expiration of his maximum sentence. Prisoners serving full time receive their discharge at the institution, and on leaving each receives from the state \$5 in cash and transportation to the point of conviction or an equal number of miles in another direction.

CONNECTICUT.—The state prison, at Wethersfield, is under the wardenship of Albert Garvin. The state has no reformatory for adults. The indeterminate sentence prevails and paroles are granted by a board of parole, composed of the prison directors and the warden. An agent is employed, who secures work for paroled men and visits them afterward. Work must be found prior to their release. Paroled men receive final discharge at the expiration of their maximum sentence. The state also makes an effort to find employment for discharged men, but most of this work is done by the Connecticut Prison Association. On leaving the prison, each man receives a discharge suit, railroad fare to his

home or place of employment, one or two weeks' board, working clothes and possibly some tools. They receive their discharge at the prison and are taken in charge by an agent and put on the train, or sent to their destination by trolley.

GEORGIA.—The only penal institution in this State is the United States Penitentiary, at Atlanta. S. A. Hawk is the warden. Prisoners are sentenced for a definite time, and no paroles are granted. They are released at the prison, and each receives transportation home, a suit of clothes and \$5 in cash. No effort is made, either by the state or any private organization to find work for them.

IDAHO.—The state penitentiary is located at Boise City, Charles E. Arney, warden. There is no reformatory for adults. Sentences are definite. Upon recommendation of the warden, paroles are granted by the board of prison commissioners, of which the governor is a member. The state has made no provision for finding employment or homes for paroled men, but the warden sees that the men are provided for before he recommends their parole. At the termination of their sentence, the men receive final discharge. Discharged prisoners receive from the state a suit of clothes and \$10. No effort is made by the state or any organization to find work for them. They are released at the prison.

ILLINOIS.—Illinois has three institutions for adults; the Southern Penitentiary, at Chester, J. M. Tanner, warden; the Northern Penitentiary, at Joliet, E. J. Murphy, warden, and the Illinois State Reformatory, at Pontiac, M. M. Mallary, general superintendent. All of these institutions operate under the indeterminate sentence, and paroles are granted by a board of parole. The governor has the right to grant conditional pardons, but does so very rarely. An agent is employed to procure work for men released on parole and to supervise them afterward. Relatives and friends also assist in finding employment. At the expiration of twelve months, paroled men receive final discharge. Prisoners who are required to serve their maximum sentence are discharged at the institution, receiving from the state \$10, a suit of clothes and transportation home. No effort is made by the state to find work for them, but assistance is rendered by the Illinois Prisoners' Aid Society and the Volunteers of America.

INDIANA.—The State Prison is located at Michigan City, James D. Reid, warden; the Indiana Reformatory at Jeffersonville, Alvin T. Hert, general superintendent; the Womans' Prison, at Annapolis, Miss Emily E. Rhoades, superintendent. To each of these institutions prisoners are sentenced under the indeterminate sentence, and at the state prison and woman's prison the board of directors, with the warden, chaplain and physician, forms a board of parole; at the reformatory the prison board of four members forms a board of parole, by which convicts eligible to parole are released. Both the prison and the reformatory have agents to procure employment for and to supervise paroled men. The woman's prison has no agent, but work is found by the superintendent, relatives or friends. The state does not find employment for discharged prisoners, and there are no private organizations engaged in that work. The law governing the prison and reformatory provides that each discharged man shall receive a suit of clothes, with an overcoat in winter, \$10 in cash, and transportation to the place of conviction, or equal mileage in another direction. The superintendent or warden is required to procure the ticket and deliver it to the railroad conductor, the convict receiving his release at the railway station. Discharged women are given clothing and \$10 in money. Charity organization societies and rescue missions do something to help discharged men.

IOWA.—Iowa has two penitentiaries, one at Anamosa, Wm. A. Hunter, warden; the other at Ft. Madison, N. N. Jones, warden. There is no reformatory. Sentences are definite. The governor grants conditional pardons, after steady employment is secured. The state makes no provision, either for finding employment for or supervising men so released. The prisoners not paroled are discharged at the prison, each receiving from \$5 to \$10 in cash, a suit of clothes, and transportation home. The state does not find work for them, but the Coffin Home, at Fort Dodge, Iowa, and the Howard Association, at Chicago, furnish some assistance.

KANSAS.—The United States Penitentiary at Fort Leavenworth, under the wardenship of R. W. McClaughry, receives prisoners under definite sentence and no paroles are granted. The president occasionally grants a conditional pardon, but not often, and generally on condition that the prisoner leave the country.

Discharged prisoners receive a suit of clothes, transportation home and \$5 in cash. They are released at the penitentiary.

The Kansas Reformatory is located at Hutchinson, J. S. Simmons, superintendent; the state prison at Lansing, warden, E. B. Jewett. The penitentiary receives prisoners under definite sentence, but about twenty paroles a year are granted by the governor. It has no agent, but no men are released without work having been guaranteed by their friends. There is no provision for visiting the men. Discharged prisoners are released at the penitentiary and receive from the state whatever wages are due them, computed at three cents a day. The reformatory operates under the indeterminate sentence and paroles are granted by the board of managers. A parole officer procures work for the men and visits and corresponds with them. No paroles are granted by the governor. The time at which paroled men receive final discharge is indefinite, varying from one year to the expiration of the maximum sentence. Employment is not found for discharged prisoners by the state. Some work of this kind is done by the Home for the Friendless at Topeka. The men are released at the institution and receive nothing except some clothing from the state.

KENTUCKY.—Kentucky has two penal institutions, the state penitentiary at Frankfort, E. T. Lillard, warden, and the branch penitentiary at Eddyville, Henry F. Smith, warden. Both institutions only receive prisoners with definite sentences. Paroles are granted by the board of prison commissioners. The parole law requires that an applicant must have a responsible man to vouch for him and give him employment for at least three months, and all men so released must report every six months to the county judge. The governor of the state has granted a few conditional pardons. The state makes no provision for securing employment for or for visiting either paroled or discharged prisoners. On being released, discharged prisoners receive from the state a suit of clothes, \$5 in cash, and transportation to the county from which convicted. The Home Finders, Louisville, provide employment for a few discharged prisoners.

LOUISIANA.—The state penitentiary is located at Baton Rouge, W. H. Raynard, warden. There is no reformatory for adults. All sentences are for a definite time. The governor grants a few conditional pardons, but there is no provision for

securing employment for men released, or for supervising them. The state does not secure work for discharged prisoners. The Prison Reform Association of New Orleans does all that is done in this line. Prisoners are discharged at the farms or camps where they are employed, receiving from the state \$5 and a complete outfit of clothing.

MAINE.—The Maine State Prison is located at Thomaston; Hielman Smith, warden. The state has no reformatory for adults. The definite sentence system prevails, and no paroles are granted. Discharged prisoners receive their release at the prison, and the state gives them \$5 in cash, new clothing, and their accumulated earnings at the rate of twenty-five cents per month during sentence. Employment is not secured, either by the state or a private organization.

MARYLAND.—The Maryland state penitentiary is located at Baltimore, John F. Weyler, warden. All sentences are for a definite time. The governor occasionally grants a conditional pardon. The state makes no provision for visiting either paroled or discharged men, or for securing employment for them, but this work is ably performed by the Maryland Prisoners' Aid Association. Paroles are freely granted by judges on suspension of sentence at the time of trial. These cases are not sent to prison, but are visited by a committee of the Maryland Prisoners' Aid Association. Discharged prisoners are released at the prison and receive from the state an outfit of clothing, and from \$2 to \$5 in cash.

MASSACHUSETTS.—The State Prison is located at Charlestown, General Benj. F. Bridges, warden; the state reformatory at Concord Junction, Joseph F. Scott, superintendent; the Reformatory Prison for Women at Sherborn, Mrs. Francis A. Morton, superintendent. Sentences to the state prison are indeterminate; to the reformatory, definite when over five years and indeterminate when from two to five years; to the Reformatory Prison for Women, definite. Permits to be at liberty are granted by the board of prison commissioners, and four male agents and one female agent are employed by the board of prison commissioners to find work for paroled prisoners and to visit them after their release. Paroled prisoners are discharged at the expiration of their sentence. Under the law the governor may grant habitual criminals permits to be at liberty. In 1900 sixteen were

so released; in 1901 nineteen. Discharged prisoners are released at the institution. They receive from the state new clothing. An annual appropriation of \$11,000 is made, for aid to be furnished by the agents. The authorities of the state spend about \$50,000 each year in aiding prisoners.

MICHIGAN.—The Michigan state prison is located at Jackson, Alonzo Vincent, warden; the state House of Correction and branch prison at Marquette, George W. Freeman, warden; the Michigan reformatory at Ionia, Otis Fuller, superintendent. All sentences are for a definite time, but paroles are granted by the governor, on the advice of the board of control of each prison. There is no provision for finding employment for or for visiting paroled men. Those who violate their parole are returned on a warrant from the governor. They receive final discharge on the expiration of their sentence. Discharged prisoners receive their release at the prisons. The assistance given them by the state varies. At the state House of Correction they receive from \$7.50 to \$10; at the state prison, a suit of clothes, and from \$7.50 to \$15 at the discretion of the board; at the reformatory, transportation home, a new suit of clothes, and from \$1 to \$5 in cash. At the latter institution it is the rule for an officer to accompany the men to the depot and put them on board the train. The state does not secure employment for discharged prisoners, but there is located at Detroit the D'Arcambal Home of Industry, which renders assistance to this class of men.

MINNESOTA.—The state prison is located at Stillwater, Henry Wolfer, warden; the state reformatory at St. Cloud, Frank L. Randall, superintendent. Sentences are for an indefinite time at the reformatory and both definite and indefinite at the prison. Paroles are granted by the state board of control. A state agent, acting for both institutions, has general supervision of paroled prisoners, finding employment for them and visiting them as often as possible. Final discharge is granted on an average of ten months on indefinite sentences, and whenever the term expires on definite sentences. The governor has nothing to do with paroles. Conditional pardons sometimes are granted to second offenders, to whom the parole law does not apply, by the board of pardons, of which the governor is a member. State prison convicts who have served full time are released at the institution, the state giving them \$25 in cash and a complete suit of clothes, including

an overcoat in winter. At the reformatory the prisoners receive about eleven cents a day while confined there.

MISSISSIPPI.—The state prison is located at Jackson, J. M. Porchman, warden. There is no reformatory for adults. Sentences are for a definite time, and no paroles are granted, though the governor sometimes grants conditional pardons. Convicts are released at the prison, and no effort is made, either by the state or any private organization, to find employment for them or supervise them afterwards. Each man receives from the state \$10 and a suit of clothes.

MISSOURI.—The state penitentiary is located at Jefferson City, F. M. Wooldridge, warden. The definite sentence system prevails, and no paroles are granted. The governor occasionally grants a conditional pardon, but the number is very limited. The state maintains no supervision over discharged prisoners, and does not find employment for them. Some aid in this line is rendered by the Home for the Friendless, at Topeka, Kansas. Prisoners are released at the prison. Those who have faithfully obeyed the rules of the institution are required to serve only three-fourths of their sentence, and on discharge they receive \$5 in addition to their railroad fare.

MONTANA.—The state prison, located at Deer Lodge, is under the care of Conley & McTague, contractors. Sentences are for a definite time, and no paroles are granted. At the end of their terms, prisoners are released at the railroad station, receiving from the state \$5 and clothing amounting in value to \$15. The state does not find work for them, and there are no voluntary associations doing so.

NEBRASKA.—The only correctional institution for adults is the state penitentiary at Lancaster, Edward D. Davis, superintendent. All sentences are for definite terms. The governor grants all paroles and his pardoning power is limited to two unconditional pardons each Fourth of July. Employment for paroled men must be vouched for by some responsible party before they are released. No provision is made for visiting men on parole. Monthly reports are required and a prison official returns those who violate their parole. No men are discharged from parole except at the expiration of sentence. The state finds no work for discharged prisoners, but a recent organization, the

Nebraska Prison Association, expects to take up that work. A suit of clothes, a Bible, a sum not exceeding \$10 is given each prisoner discharged, and such discharge is at the prison.

NEVADA.—The state prison, located at Carson City, is in charge of Warden L. O. Henderson. There is no adult reformatory. All prisoners are under definite sentence and no paroles are granted except to those who have friends to care for them. The governor has power of release only in conjunction with the board of pardons. Discharge is not given until sentence has expired. The state makes no provision for finding employment for either paroled or discharged men, and there is no private organization for such purpose. Discharged prisoners receive \$25 in money and are released at the prison gates.

NEW HAMPSHIRE.—The state prison is at Concord, the warden being Charles E. Cox. The state has no reformatory for adults. Prisoners are to serve either minimum or maximum terms according to a new law, which places power of parole in the hands of the governor, and a council. Paroled prisoners are to be discharged only at expiration of maximum sentence. No paroles have as yet been granted and arrangements have not been completed for finding employment for paroled men or visiting them after parole. Neither the state nor any organization finds work for discharged prisoners, who are given \$3 and a suit of clothes upon release at the prison. In some cases transportation is added.

NEW JERSEY.—The state prison is situated at Trenton, the warden being Geo. O. Osborne. The reformatory is at Rahway and its superintendent's name is Joseph W. Martin. Sentences are for definite terms at the prison, while the reformatory has the indeterminate sentence. Paroles are granted at both institutions, by a court of pardons and by the board of commissioners respectively. The governor exercises his pardoning power only in connection with and as a member of the court of pardons and has no authority over the reformatory prisoners. A certificate giving promise of employment must be signed by the intending employer and approved by the governor before parole is granted from the prison. Work is secured by the state for paroled reformatory inmates and they are visited by an officer of the institution. The board of commissioners issues the order for recommitment. Men paroled from the prison receive final discharge when full term has

expired ; those from the reformatory can earn an absolute discharge by a six months' perfect record on parole. No efforts are made by the state to find work for discharged prisoners but such help is given them by a private charity in charge of Mrs. M. B. Booth, at Hope Hall, Flushing, L. I. From the state a discharged inmate of the prison receives a \$12 suit of clothes and \$5 in money ; at the reformatory the cash gift may amount to \$10, in addition to the clothing. All prisoners are discharged at the prison.

NEW MEXICO.—The penitentiary is located at Santa Fe, and H. O. Bursum is superintendent. There is no adult reformatory in the territory. The definite term sentence alone is used and no paroles are granted, not even by the governor. No assistance of any kind is rendered by the territory to discharged prisoners, except that a suit of clothes and \$5 is given them on leaving the prison. The Christian Endeavor Society occasionally renders aid to discharged convicts.

NEW YORK.—This state has eight correctional institutions for adults, as follows: three prisons for men, one of them at Auburn, including a department for women also; two reformatories for men; and three institutions of a reformatory character for women.

Of the state prisons, Sing Sing Prison is located at Sing Sing, its warden being Addison Johnson; the Auburn State Prison, at Auburn, J. Warren Mead, warden. Sentences are either definite or indeterminate, the privileges of the parole law having been extended to the prisons on Sept. 1st last. It applies only to first term convicts whose maximum sentence is five years or less. Paroles are in the hands of a state commission of prisons, by whom also a parole officer for each prison is appointed, his duty being to find employment for all paroled men whose friends have not secured work for them, and to visit those on parole. Final discharge is not usually granted until the expiration of the maximum term. Men discharged at the prison are given \$10, a full suit of clothing and railroad ticket to place of conviction, besides 1½ cents per day for work done in prison. No state aid is given in seeking work but the Howard Society, Prison Association and Hope Hall (or Volunteers of America) perform this service.

The men's reformatories are the State Reformatory, at Elmira, in charge of Superintendent Frank W. Robertson, M. D., and the Eastern Reformatory at Ellensville, superintended by Silas W. Berry. All prisoners are sentenced under the indeterminate sentence law, and the board of managers at Elmira, and at Ellensville the state commission of prisons, issue paroles. As at the prisons, a parole officer for each reformatory sees that every paroled man has work, visits him while on parole and returns violators to the institution. Final discharge may be earned by six months' perfect record outside the reformatory, but it is left to the discretion of the paroling board. Prisoners not paroled are discharged at the prison, being provided with amounts varying from \$10 to \$15 besides transportation to place of conviction. No work is found for such, except by the private organizations above mentioned.

For women convicts besides the department in the Auburn prison, there are three institutions for those between the ages of 15 and 30. The House of Refuge is at Hudson, the superintendent being Hortense V. Bruce, M. D.; the Western House of Refuge at Albion, superintendent, Alice E. Curtain; and the State Reformatory for Women at Bedford, in charge of Superintendent Katherine Bement Davis. All prisoners are sentenced for three years, but they may sooner be paroled by the board of managers of the institution. The governor does not grant conditional pardons. In common with the reformatories and prisons for men, these institutions have each a parole agent. Work and a home are found for every prisoner lacking these before she can be released either by parole or discharge. Paroled prisoners are visited and may be returned on a warrant issued by the president and secretary of the institution. No definite time is required for a paroled woman to earn final discharge, but usually ten or twelve months is necessary. Those serving the three years are allowed, upon release, clothing to the value of \$18 in winter or \$12 in summer, transportation and \$10 in money.

NORTH CAROLINA.—The state's prison is located at Raleigh. Its warden is John M. Fleming. No reformatory for adults exists within the state. All prisoners are received for definite terms and no paroles are granted. The governor pardons or commutes sentences, but does not parole. No provision is made for discharged prisoners after leaving the prison. Three days each month is allowed for "good time" and ten cents for each good

day earned is paid to prisoners upon release from custody. They are discharged either at the prison or at the state farms where they are employed.

NORTH DAKOTA.—The single institution for adult criminals is the state penitentiary at Bismarck, N. F. Boucher, warden. Although the definite sentence prevails, a parole law is in force. Paroles are granted by the board of trustees, on recommendation of the warden and with the approval of the governor, this being the only right the executive can exercise in the matter. The law fails to provide for supervision of the paroled men. Work must be secured by the prisoner's friends prior to his release. At the expiration of his sentence the paroled man is discharged. The state finds no work for discharged men, nor is there any private organization doing such service. Five dollars, a full suit of new clothing, and transportation is given each prisoner on release.

OHIO.—The Ohio Penitentiary at Columbus, is under the management of Warden Wm. N. Darby, while the reformatory at Mansfield has J. A. Leonard for superintendent. Sentences are definite at the prison, while the reformatory has the indeterminate sentence law, paroles being issued at both institutions by their boards of managers. At the reformatory a field officer devotes his time to the securing of work for and the visiting of paroled men. His services are extended, when necessary, to discharged men also. At the prison, no provision is made for visiting or for securing work for either paroled or discharged prisoners but release previous to expiration of sentence is conditioned on the obtaining of employment. Reformatory men are eligible to parole after one year's clean record, and as a rule, spend one year on parole.

The governor rarely exercises his power of granting conditional pardons. Prisoners who serve full time are fitted out with a full suit of clothes, \$5 and either transportation or its equivalent in money, and are conducted to the railroad depot.

OREGON.—The state penitentiary is the only correctional institution for adults. It is situated at Salem, and is under the direction of Superintendent Joseph D. Lee, having also a warden, J. T. James. Sentences are for a definite time, paroles being unknown. Pardons and commutations are to some extent granted by the governor. The state does not find work for discharged prisoners, but the superintendent makes inquiry and

frequently succeeds in obtaining employment for them. Efforts have been made by the superintendent to organize a prisoners' aid society, but nothing permanent has yet resulted. When discharged, a prisoner is given a complete outfit of clothing and a small sum of money, varying with circumstances. Discharge is given at the prison. This does not restore a man to citizenship, nor does a commutation by the governor; but a full pardon is necessary. In case of discharge or commutation, a prisoner must after a few months, get up a petition, signed by the people with whom he has commingled, especially his employer. If he shows a good record, for industry and good behavior, the governor will grant him a full pardon or restoration to citizenship.

PENNSYLVANIA.—Three institutions for adult offenders are found in this state. The Eastern Penitentiary, of which Daniel W. Bussinger is warden, is located at Philadelphia; the Western Penitentiary, with William Mc. C. Johnston as warden, is at Allegheny; while the Industrial Reformatory, Superintendent T. B. Patton, is at Huntingdon. At the penitentiaries no paroles are granted, and sentences are for definite terms, but commutations of those exceeding one year, are regularly provided for by a law which places commuting power in the hands of the governor, on recommendation of a board of pardons consisting of three other state officers. Assistance to discharged convicts is rendered by the Pennsylvania Prison Society and the Allegheny County Prison Society, but nothing is done by the state beyond a cash gift of \$5 or \$10 according to distance from prison to place of residence. Prisoners are discharged at the prisons. The indeterminate sentence and parole law is in vogue at the Industrial Reformatory. Executive clemency can be granted only on recommendation of the pardon board. Employment is secured by friends of paroled men before their release, and monthly reports, certified to by employers, are required. There is no provision for their state supervision. Violators are returned on a warrant from board of managers. If parole is satisfactory, discharge is accorded in six or seven months. No efforts are made to find work for men who serve full time. They are given a suit of clothing, taken to the railway station and besides transportation, are furnished with a sum of money. There are no organizations near for aiding discharged prisoners.

RHODE ISLAND.—Both the penal institutions are located at Howard. Nelson Viall is warden of the prison, and James H. Eastman superintendent of the state workhouse and house of correction. Definite sentences are the rule. Paroles are granted to prisoners at the workhouse by the state board of charities and corrections, but the prison has no parole system. The state finds no work for either paroled or discharged men, but such services are rendered by the Prisoners' Aid Society and the Brotherhood of St. Andrew. Upon release from the prison, clothing and \$5 in money are given each man. At the workhouse only clothing is allowed. The governor does not exercise the right to parole.

SOUTH CAROLINA.—The state penitentiary, of which D. J. Griffith is superintendent, is the only penal institution for adults. All prisoners serve definite terms, unless pardoned, executive or other paroles being unknown. Most of the discharged prisoners arrange work for themselves, but in cases where this is not done, the superintendent assists men to work. Upon discharge at the prison, each man receives clothing and transportation home.

SOUTH DAKOTA.—At the state penitentiary at Sioux Falls, of which O. S. Swenson is warden, all sentences are definite, there being no law authorizing parole. No conditional pardons are issued by the governor. Prisoners discharged are given \$5, a suit of clothing, and railroad fare to the place of conviction and are released at the prison. They find their own work. No reformatory for adults has been established.

TENNESSEE.—But one institution of correction for adults exists in this Commonwealth, the state penitentiary at Nashville, warden, W. H. Hartford. Definite terms without parole constitute the regular order. A board of prison commissioners composed of three members acts as an advisory board, which acts with the governor in all pardon cases. No aid is given discharged convicts either by the state or by any private organization, other than the usual clothing and transportation furnished him upon leaving the prison.

TEXAS.—The two penal institutions, the Huntsville Penitentiary and the Rusk Penitentiary, named from the two towns in which they stand, are found in Texas. Their respective wardens are J. G. Smither and W. M. Lacy, and Searcy Baker is superintendent of the two institutions. Definite time sentences only are known and the governor grants no conditional pardons. Priso-

ners must make their own arrangements for securing employment after release, as no help except clothing, mileage and \$5 in cash is provided for them. They are discharged at their places of work, (the lease system being practiced).

UTAH.—The Utah Penitentiary is located in Salt Lake City, Geo. N. Dow is its warden. The state has no adult reformatory. Prisoners are admitted under definite sentence, but may be paroled or pardoned, or sentences may be commuted by a board of pardons, of which the governor is chairman. Men must have some known responsible person to guarantee employment before being released, but the state does not undertake to solicit work for prisoners, nor is there a Prisoners' Aid Society in the state. From \$5 to \$25 in addition to clothing is furnished a discharged prisoner upon release at the prison.

VERMONT.—The State Prison is at Windsor, and its warden is E. W. Oakes. At Rutland there is a House of Correction, its superintendent being D. L. Morgan. Both institutions enjoy the benefit of the indeterminate sentence law, the governor issuing all paroles and conditional pardons. Paroled men are required to report to the governor and a county probation officer each month, and it is by the former's order that violators of parole are returned. Final discharge is granted at the discretion of the governor, or at the expiration of sentence. There is no assistance furnished in obtaining work for either paroled or discharged prisoners. At the prison an allowance is made of \$1 per month, not to exceed \$100, for good conduct, which is paid on discharge. The House of Correction furnishes transportation to their homes, for sick, disabled, or long term prisoners; to all others work is given to enable them to earn their expenses. Men are discharged at the prison.

VIRGINIA.—Richmond is the seat of the state penitentiary, of which G. M. Helms is warden. There is no state reformatory. Men are received under a definite sentence law but regular provision is made for the conditional paroling by the governor, of prisoners who have served one half their terms, and have kept the prison rules in every respect for the two years (if he has been confined so long) next preceding the date of their application. Such application must be made to the board of directors for a recommendation to the governor, though parole may be granted without such recommendation. Work is not found by the state,

but must be secured by the prisoner or his friends and the promise thereof certified to by a county or city official. Discharge is never granted to paroled prisoners but they are allowed liberty during good behavior. If ever found guilty again of violating a penal law, a paroled man may be remanded to prison by a justice of the peace or a county judge. Convicts discharged at the prison may receive as high as \$10, the amount being left to the judgment of the board of directors. Aside from this, no help is rendered them.

WASHINGTON.—The State Penitentiary is located at Walla Walla, and John B. Catron is warden. It is the only place of confinement for offenders over eighteen years of age. Its inmates are all sentenced for definite terms, and paroles are granted by the governor on recommendation of the warden or superintendent. If friends do not find employment for the convict to be paroled, the superintendent customarily does so; in all cases permanent work is found for the prisoner before his release. Monthly certified reports to the superintendent are required from paroled men, and they are finally discharged only at the expiration of sentence. Men serving full time are not aided to work, but receive transportation, a suit of clothes and \$5 from the state. They are released at the prison.

WEST VIRGINIA.—There being no reformatory for adults, the penitentiary at Moundsville remains the sole correctional institution of the state. Charles E. Haddox is the warden. The definite sentence prevails, all conditional pardons being granted by the governor, assisted usually by an advisory board of pardons. The holder of a conditional pardon is not provided with work, nor is he officially visited; he may be returned at the will of the governor, and if again convicted must serve out the unexpired part of his former term in addition to the new sentence. Discharged prisoners are given a suit of clothing and transportation and in meritorious cases a small amount of money. Neither the state nor any private organizations find work.

WISCONSIN.—This state has both a prison and a reformatory, the former located at Waupun, A. G. Nelson, acting warden, the latter at Green Bay, C. W. Bowron, superintendent. Sentences are definite at the prison, and no paroles are granted. At the reformatory the indeterminate sentence is used, paroles being granted by the board of control on recommendation of the superintendent.

Employment is secured for paroled inmates, monthly reports must be sent in by them, and usually a year elapses before final discharge. If parole is violate, an officer is sent by the superintendent for the prisoner. No state aid toward securing employment is given discharged men, and there is no private agency doing such service. They are allowed clothing, transportation, and \$10 in cash, in addition to their earnings made by extra work, and are released at the prison.

INSTITUTIONS.	PAROLED PRISONERS.					DISCHARGED PRISONERS.			
	Sentence Definite or Indefinite	Com. Pardons or Paroles Granted by	Provision for Finding Employment	Provision for Visiting and Returning	Discharge After Parole at	Where Discharged.	Received From State	Work Found by State.	Work Found by Private Organization
Alabama Penitentiary—Wetumpka.....	Def.	Governor	None	None	Ex. of sentence	Prison or place of employment	.....	No	No
Arizona Ter. Prison—Yuma.....	Def.	Governor	None	None	Ex. of sentence	Prison.....	Clothes—\$5.00	No	No
Arkansas Penitentiary—Little Rock.....	Def.	Governor	None	None	Ex. of sentence	Place of work.....	Clothes—\$2.00	No	No
California State Prison—Folsom.....	Def.	Prison Directors	Friends	None	Ex. of sentence	Prison.....	Clothes \$5.00 Trans. or equivalent	No	Yes
California State Prison—San Quentin.....	Def.	Prison Directors	Friends	None	Ex. of sentence	Prison.....	Clothes \$5.00 Trans. or equivalent	No	Yes
Colorado Penitentiary—Canon City.....	Ind.	Governor & Ed. Pardons	None	None	Ex. of max. sen.	Prison.....	Clothes \$5.00 Trans. equivalent	No	.....
Colorado Reformatory—Buena Vista.....	Ind.	Com'r & Warden	None	None	Ex. of 12 mos.	Prison.....	Clothes \$5.00 Trans.	No	No
Connecticut Prison—Wethersfield.....	Def. & Ind.	Bd. of Parole	Agent	Agent	Ex. of sentence	Prison — put on train by agent.	Clothes, Trans. 1 or 2 wks. board, tools	Yes	Yes
Georgia U. S. Prison—Atlanta.....	Def.	Prison Com'r	None	.....	Ex. of sentence	Prison.....	Clothes—\$10.00	.....	.....
Idaho Penitentiary—Boise City.....	Ind.	Board of Pardons	Agent	Agent	Ex. of 12 mos.	Prison.....	Clothes—\$10.00 Trans.	No	Yes
Illinois Penitentiary—Joliet.....	Ind.	Bd. Pardons or Parole	Warden	Agent	12 mos.	Prison.....	Clothes—\$10.00 Trans.	No	Yes
Illinois Penitentiary—Chester.....	Ind.	Board of Managers	Parole Com'r	Parole Agent	12 mos.	Refy.....	Clothes—\$10.00 Trans.	No	Yes
Illinois Reformatory—Pontiac.....	Ind.	Bd. of Parole	Agent	Agent	Usually 12 mos.	R. R. Depot.....	Clothes—\$10.00 Trans.	No	No
Indiana Reformatory—Jeffersonville.....	Ind.	Bd. of Parole	Agent	Agent	12 mos.	R. R. Depot.....	Clothes—\$10.00 Trans.	No	No
Indiana Prison—Michigan City.....	Ind.	Bd. of Parole	Supt. or Friends	None	12 mos.	Prison.....	Clothes—\$10.00 Trans.	No	No
Indiana Woman's Prison—Indianapolis.....	Ind.	Bd. of Parole	.....	.....	.....	.....	Clothes—\$10.00	When conven.	No

Iowa Penitentiary—Anamosa.....	Def.	Governor	None	None	Option of Governor	Prison.....	Clothes—\$5.00 Trans.	No	Yes
Iowa Penitentiary—Ft. Madison.....	Def.	Governor	None	None	Option of Governor	Prison.....	Clothes—10.00 Trans.	No	Yes
Kansas Penitentiary—Lansing.....	Def.	Governor	Friends	None	.....	Prison.....	Wages due @ 3 cts. per day	No	Yes
Kansas U. S. Penitentiary—Ft. Leavenworth..	Def.	President	None	None	12 mos. to Ex. of max. sentence	Prison.....	Clothes—\$5.00 Trans.	No	No
Kansas Industrial Reformatory—Hutchinson..	Ind.	Board of Managers, Prison Com'r	Agent	Agent	Ex. of sentence.	Ref'y.....	Clothes.	No	Yes
Kentucky Penitentiary—Frankfort.....	Def.	Prison Com'r	.....	.....	.....	On train.....	Clothes—\$5.00 Trans.	No	Yes
Kentucky Branch Penitentiary—Eddyville..	Def.	Prison Com'r	.....	.....	.....	Prison.....	Clothes—\$5.00 Trans.	No	.....
Louisiana Penitentiary—Baton Rouge.....	Def.	Governor	None	None	.....	Prison, farm or camps	Clothes—\$5.00	No	Yes
Maine Prison—Thomaston.....	Def.	.....	.....	.....	.....	Prison.....	Clothes—\$5.00 Savings from 25c per month during sentence	No	No
Maryland Prison—Baltimore.....	Def.	.....	.....	.....	6 mos. to 8 yrs.	Prison.....	Clothes—\$2.00 to \$5.00	No	Yes
Massachusetts Prison—Charleston.....	Ind.	Governor	None	None	Ex. of sentence	Prison.....	Clothes—\$3.00 to \$5.00	.....	No
Massachusetts Reformatory—Concord.....	Ind. & Def.	Prison Com'r	Friends & Agent	None	Ex. of sentence	Ref'y.....	Clothes, Trans. and money, if needed	No	Yes
Massachusetts Woman's Prison—Sherborn....	Def.	Prison Com'r	Agent	Agent	Ex. of sentence	Prison.....	Clothes	Yes	Yes
Michigan Prison—Jackson.....	Def.	Governor	None	None	Ex. of sentence	Prison.....	\$7.50 to \$15.00 Clothes	No	Yes
Michigan Reformatory—Ionia.....	Def.	Governor	Friends	None	Ex. of sentence	Ref'y—Acc. to train by Officer.	\$1.00 to \$5.00. Trans. Clothes \$7.50 to \$10.00	No	Yes
Michigan Prison—Marquette.....	Def.	Governor	None	None	Ex. of sentence	Prison.....	\$25.00 Clothes.	No	Yes
Minnesota Prison—Stillwater.....	Def. & Ind.	State Board of Control	Agent	Agent	Depends on prisoner	Prison.....	Clothes; all but \$10.00 of accum. earning.	Yes	No
Minnesota Reformatory—St. Cloud.....	Ind.	State Board of Control	Agent	Agent	6 mos. to several yrs.	Ref'y.....	Clothes—\$10.00	Yes	Some
Mississippi Penitentiary—Jackson.....	Def.	Governor	None	None	.....	Prison.....	\$5.00 Transportation	No	No
Missouri Penitentiary—Jefferson City.....	Def.	Governor	None	None	.....	Prison.....	Clothes, \$5.00	No	Yes
Montana Prison—Deer Lodge.....	Def.	.....	.....	.....	.....	R. R. Station.....	.....	No	No

* In addition—Society for Aiding Discharged Prisoners and State Agent spend \$5,000 on Account Reformatory; \$3,000 on account State Prison; \$3,000 on account Woman's Prison.

INSTITUTION.	PAROLED PRISONERS.					DISCHARGED PRISONERS.			
	Sentence Indefinite or	Com. Pardons or Parols Granted by	Provision for Finding Employment	Provision for Visiting and Returning	Discharged After Parole	Where Discharged	Received From State	Work Found by State	Work Found by Private Organization
Nebraska Penitentiary—Lancaster.....	Def.	Governor	None	None	Ex. of time	Prison.....	Clothes—\$10.00 Bible.	No	Yes
Nevada Prison—Carson City.....	Def.	Board of Pardons (Governor & Council)	None	None	Ex. of sentence	Prison.....	\$25.00	No	No
New Hampshire Prison—Concord.....	Ind.	Court of Pardons	None	None	Ex. of max. sen.	Prison.....	\$3.00—Clothes, in some cases Trans.	No	No
New Jersey Prison—Trenton.....	Def.	Court of Pardons	None	None	Ex. of sentence	Prison.....	\$5.00—Clothes	No	Yes
New Jersey Reformatory—Rahway.....	Ind.	Com'r's	Agent	Agent	Ex. of Parole	Ref'y.....	\$10.00—Clothes	No	No
New Mexico Penitentiary—Santa Fe.....	Def.					Prison.....	\$5.00—Clothes	No	Yes
New York Prison—Sing Sing.....	Ind. & Ind.	Prison Com'r's	Agent	Agent	Ex. of sentence	Prison.....	\$10.00—Clothes, Trans. 1½¢ per day for work in prison	No	Yes
New York Prison—Auburn.....	Def. & Ind.	Com'r's	Agent	Agent	Ex. of max. sent.	Prison.....	\$10.00—Trans. 1½¢ per day for work in pris.	No	Yes
New York Prison—Dannemora.....	Ind.	Prison Com'r	Agent	Agent	Ex. of max. sent.	Prison.....	\$10.00—Clothes, Trans.	No	Yes
New York Reformatory—Elmira.....	Ind.	Board of Managers in N.Y. City	Friends & parole off'r	Peace Officer	Not less than 6 mo.	Prison.....	\$15.00—Clothes, Trans.	No	Yes
New York Reformatory—Ellensville.....	Ind.	Prison Com'r's	Agent	Agent		Prison.....	\$15.00 (Generally)	No	Yes
New York House of Refuge for Women—Hudson.....	Def.	Managers	Agent	Agent	10 to 12 months	Prison.....	\$10.00 Trans.	No	Yes
New York House of Refuge for Women—Albion.....	Def.	Managers		Transfer Officer	Ex. of sentence	Prison.....	Clothes—\$10.00. Trans.	Yes	
New York Reformatory for Women—Bedford.....	Def.	Managers	Agent	Agent	Ex. of sentence	Prison.....	\$10.00—Clothes, Trans. 3 days a month good time—10¢ for each day.	No	No
North Carolina Penitentiary—Raleigh.....	Def.					Prison.....			

North Dakota Penitentiary—Bismarck.....	Def.	Trustees	Friends	None	Ex. of sentence short time 12 mos.	R. E. Station.....	\$5.00—Clothing. Trans.	No	No
Ohio Penitentiary—Columbus.....	Def.	Managers	None	None	Ex. of sentence short time 12 mos.	Prison.....	\$5.00—Clothes. Trans.	No	No
Ohio Reformatory—Mansfield.....	Ind.	Board of Managers	Agent	Agent	.....	Prison.....	\$5.00—Clothes. Trans.	Yes	.....
Oregon Penitentiary—Salem.....	Def.	.....	.....	.....	.....	Prison.....	Clothes—Money	No	No
Pennsylvania Eastern Pen.—Philladelphia.....	Def.	.....	.....	.....	.....	Prison.....	If residence is within 50 mi. \$3.00 over 50 mi. \$10.00	No	Yes
Pennsylvania Western Pen.—Allgheny.....	Def.	.....	.....	.....	.....	Prison.....	Res. within 50 mi. \$5.00 over \$10.00	No	Yes
Pennsylvania Ind. Ref.—Huntingdon.....	Ind.	Managers	Friends	None	6 to 7 mos.	Ref'y.....	Clothes—\$5.00 if going 50 mi. \$10.00 if farther \$5.00 Clothes	No	.....
Rhode Island Prison—Howard.....	Def.	.....	.....	.....	.....	Prison.....	Clothing	No	No
Rhode Island State Work House—Howard.....	Def.	State Board Char. & Cor.	None	None	Ex. of sentence	Prison.....	Trans. Clothes.	No	Yes
South Carolina Penitentiary—Columb. A.....	Def.	.....	.....	.....	.....	Prison.....	Trans—Clothes. \$5.00	No	No
South Dakota Penitentiary—Sioux Falls.....	Def.	.....	.....	.....	.....	Prison.....	Trans. Clothes.	No	No
Tennessee Penitentiary—Nashville.....	Def.	.....	.....	.....	.....	Prison.....	Trans. Clothes. \$5.00	No	No
Texas Penitentiary—Rusk.....	Def.	.....	.....	.....	.....	Prison.....	Trans. Clothes. \$5.00	No	No
Texas Penitentiary—Huntsville.....	Def.	.....	.....	.....	.....	Prison or farm.....	Trans. Clothes. \$5.00	No	No
Utah Penitentiary—Salt Lake City.....	Def.	State Board of Pardons Governor	Friends	.....	Ex. of sentence Until ex. by Gov.	Prison.....	\$5.00 to \$25.00—Clothes. \$1.00 per mo. for good conduct. Not to exceed \$100 to any Pns.	No	No
Vermont Prison—Windsor.....	Ind.	Governor	None	.....	Ex. of sentence Never	Prison.....	Trans. for sick, disabled & long time P.	No	No
Vermont House of Correction—Randall.....	Ind.	Governor	Friends	.....	.....	Prison.....	\$10.00 if thought proper	No	No
Virginia Penitentiary—Richmond.....	Def.	Governor	Friends	.....	.....	Prison.....	\$5.00—Clothes—Trans. Clothing—Trans.	No	No
Washington Penitentiary—Walla Walla.....	Def.	Governor	.....	.....	Ex. of sentence	Prison.....	Meritorious cases a small sum of money	No	No
West Virginia Penitentiary—Moundsville.....	Def.	Governor	.....	.....	.....	Prison.....	\$10.00—Clothes. Trans.	No	No
Wisconsin Prison—Waupun.....	Def.	.....	.....	.....	.....	Prison.....	earning at 1 ct a day	No	No

INSTITUTION.	PAROLED PRISONERS.					DISCHARGED PRISONERS.				
	Sentence Indefinite or Def.	Con. Pardon or Parole Granted by	Provision for Finding Employment	Provision for Visiting and Returning	Discharged After Parole at	Where Incharged	Received From State	Work Penned by State	Work Penned by Private Organization	
Wisconsin Reformatory—Green Bay	Inf. & Ind.	State Board of Control Governor	Friends	None	Ex. of Parole	Prison	\$5.00—Clothes	No	No	
Wyoming Penitentiary—Laramie.....	Def.		None	None		Prison	\$5.00—Clothes	No	No	
Wyoming Penitentiary—Rawlins.	Def.					Prison	\$5.00—Clothes	No	No	
Canada—										
Central Penitentiary—Kingston.....										
Central Prison—Toronto	Def.	Minister of Justice	Friends	None	Ex. of sentence	Prison	Clothes—Trans. Very little cash	No	Yes	
British Columbia Pen.—New Westminster.	Def.	Governor-General	None		Ex. of sentence	Prison	\$1.00 to \$20.00—Clothes Transportation	No	No	
Manitoba Penitentiary—Stoney Mountain										
Mercer Reformatory for Women & Girls—Toronto	Def.	Governor-General	Friends	None	Ex. of sentence	Institution.....	Clothing	No	Yes	

OPERATIONS OF PAROLE LAW.

INSTITUTION.	RECEIVED FINAL DISCHARGE	RE- TURNED TO INSTITUTION	DELINQUENT	DIED	TIME EXPIRED	REPORTING	TOTAL NO. PAROLED
Arizona Territorial Prison—Yuma							
Year ending June 30, 1902.....	1	.....	7	.....	1	5	14
Five years ending June 30, 1902.....	48	2	.....	.....	.....	5	65
California State Prison—Folsom							
November 18, 1893, to June 30, 1902.....	21	1	6	1	.....	3	32
California State Prison—San Quentin							
November 18, 1893, to June 30, 1902.....	63	4	5	2	.....	20	94
Colorado State Penitentiary—Canon City							
August 1, 1899, to October 1, 1902.....	102	9	49	.....	.....	101	261
Colorado Reformatory—Buena Vista							
November 30, 1893, to November 30, 1900....	58	16	62	1	.....	69	208
Connecticut State Prison—Wethersfield							
Year ending September 30, 1901.....	.....	1	.....	.....	.....	7	7
4½ years ending June, 1902.....	1	1	.....	.....	10	5	17
Illinois State Prison—Joliet							
Year ending July 31, 1902.....	34	20	53	6	.....	256	371
July 1, 1895, to September 30, 1900.....	631	164	246	23	.....	274	1338
Illinois State Prison—Chester							
Year ending July 1, 1902.....	.....	31	.....	.....	.....	.....	290
Indiana State Prison—Michigan City							
April 1, 1897, to April 1, 1902.....	203	34	36	8	47	155	488
Indiana Woman's Prison—Indianapolis							
April 1, 1899, to October 6, 1902.....	8	8	5	1	.....	15	37
Indiana Reformatory—Jeffersonville							
April 1, 1897, to April 1, 1902.....	558	118	118	21	110	212	1182
Kansas Industrial Reformatory—Hutchinson							
Year ending June 30, 1902.....	.....	3	23	.....	.....	100	126
March, 1899, to June 30, 1902.....	186	19	93	3	10	115	376
Kentucky State Prison—Eddyville							
Two years ending June 30, 1902.....	6	.....	.....	5	.....	30	41
Massachusetts State Prison—Charlestown							
Year ending September 30, 1901.....	31	4	52	6	.....	4	97
Massachusetts Reformatory—Concord							
Year ending September 30, 1901.....	175	41	.....	1	.....	321	538

OPERATIONS OF PAROLE LAW—Continued.

INSTITUTION.	REC'D FINAL DISCHARGE	RE- T'D TO INSTITUTION	DELINQUENT	DIED	TIME EXPIRED	REPORTING	TOTAL NO. PAROLED
Michigan State Prison—Jackson							
Year ending June 30, 1902.....	4	8	.....	1	.....	22	30
October, 1895, to June 30, 1902.....	112	25	3	5	.....	46	191
Michigan Reformatory—Ionia							
Year ending June 30, 1902.....	2	1	1	1	.....	16	21
Seven years ending June 30, 1902.....	113	5	4	7	.....	16	145
Minnesota State Prison—Stillwater							
Year ending July 31, 1902.....	.....	5	6	.....	18	37	66
Ten years ending July 31, 1902.....	81	62	15	9	358	43	566
Minnesota Reformatory—St. Cloud							
Twelve years ending July 31, 1902.....	691	124	52	6	.....	63	936
Nebraska State Prison—Lincoln							
Year ending November 30, 1901.....	28	10	9	.....	.....	.....	47
From beginning.....	28	10	9	.....	.....	22	69
New Jersey Reformatory—Rahway							
Year ending August 31, 1902.....	.....	.....	.....	1	.....	1	2
Institution opened August, 1901.							
New York State Prison—Sing Sing							
Ten months ending July 31, 1902.....	86	3	23	.....	14	46	124
New York Reformatory for Women—Bedford							
May 11, 1901, to July 26, 1902.....	.....	2	1	.....	.....	10	13
New York Reformatory—Elmira							
Year ending September 30, 1901.....	91	84	91	4	.....	190	410
25 years ending September 30, 1901.....	4988	497	1288	52	.....	190	7010
New York Reformatory—Ellensville							
Ten months ending July 31, 1902.....	.....	4	7	1	3	50	65
Ohio State Prison—Columbus							
Year ending October 31, 1902.....	7	.....	.....	.....	.....	32	39
April 4, 1885, to October 31, 1902.....	1136	118	117	35	29	72	1507
Ohio Reformatory—Wansfield							
September 20, 1896, to November 1, 1902....	547	108	59	2	.....	175	891
Pennsylvania Reformatory—Huntingdon							
Year ending December 31, 1901.....	102	11	21	1	4	3	142
Virginia State Prison—Richmond							
Year ending September 30, 1901.....	.....	4	.....	.....	.....	.....	115
Two years ending September 30, 1901.....	.....	.....	.....	.....	.....	.....	241

OPERATIONS OF PAROLE LAW—Continued.

INSTITUTION.	REC'D FINAL DISCHARGE	RET'D TO INSTITUTION	DELINQUENT	DIED	TIME EXPIRED	REPORTING	TOTAL NO. PAROLED
Washington State Prison—Walla Walla							
Year ending March 31, 1902.....	6	3	.....	1	.....	4	14
3 years, 2 months, ending August 1, 1902....	16	5	1	2	.....	10	31
Wisconsin Reformatory—Green Bay							
Year ending June 30, 1902.....	.....	2	7	.....	4	21	34
September 1, 1898, to June 30, 1902.....	4	13	14	.....	50	33	116

DISCUSSION OF MR. BUTLER'S REPORT.

WARDEN GARVIN.—We are trying to run a state prison in Connecticut on the reformatory plan. We have a graded system and the indeterminate sentence. With this we have a Prisoners' Aid Society, which finds employment for our men when they are discharged and I want to add a word of warning to the western brothers as well as possibly to some of the eastern. We have one man reporting monthly, who has reported for thirty months. That man will report for two years yet. The method is, in some places, after a year to let the man go, but I think in many cases the supervision should be extended much longer.

MR. G. E. CORNWALL, of Mass.—I have been engaged in the work of discharging prisoners for fourteen years. The first work of that kind was organized in Massachusetts in 1845. The society has now a fund of \$29,000. The income from that, with contributions, amounts to \$15,000 a year for the aid of prisoners. The state appropriation at this time is generous. The money of this society is devoted almost exclusively to aiding prisoners from the House of Correction, and from jails. There is a law upon the statute books which provides that a master of a jail or house of correction may, in his discretion, expend \$10 for each prisoner discharged. Some of them do not expend all of this amount. Many men do not need it. They go back to their work. The prisoners should learn something while in prison to enable them to support themselves when they go out, by honest labor, and they do, to a certain extent. They turn out shoemakers, harness-makers, and so on. We find it works quite well to let a man go and look for his own employment, and then stand behind him if need be. Of course there is always a certain number who would rather be supported than work. They go to their friends and live upon them.

REV. ALVYS M. FISH, chaplain of the state prison, Trenton, N. J.—I have followed attentively the proceedings of this Congress and I have seen that the Congress represents society as opposed to the criminal. There are two sides to every question.

I believe that the Congress in its deliberations has been one-sided with regard to the status of the convicted criminal. I think he should have a better show. I believe that we are rating him too hard. He is made a scape-goat. We should refer back to society itself and we shall find in society the elements that produce the criminal. We are apt to forget that it is society which has produced the criminal. I liken the criminal—perhaps it is not a very polite analogy—to a sore, an abcess. We know that an abcess in the human body is not a mere local affair. It is merely the result of toxine principles coursing through the circulatory system and attacking the weakest part and causing what we call the abcess. We know that it is only folly to try to cure this condition by merely local applications or even by cauterizing. No, that will not do; the remedy must go deeper. The system must be brought up to a better tone, and then we can hope that the sore will disappear. I believe that the criminal in general is not something extraneous to society, superimposed from without; he is something that comes from within. The causes underlying the toxine principles in society find in that particular individual the weak spot, and he then becomes the center of this malignant trouble. There is no doubt he harms society. There is no doubt that society has a right to stand up against him just as the system is impelled to expel the poison that is acting within it. I think then that we have not, and ought not to have any too great sympathy with the criminal. I believe on the other hand that we ought not to look upon him alone, and not only and exclusively adopt means to coerce him. He is shrewd enough to see the difference. The convict continues in prison, and this will go on. For another century you can prognosticate that you will have criminals in prison. Why? The convict knows the difference. He knows in what relation he stands to the community. Have you ever followed the convict to his haunts. Have you ever gone with him when he leaves the prison? Go with him among his associates and see the conditions in which he lives, and you will see that he knows the difference. He knows that he is merely a product of his social conditions. I have been there. I have been with him and seen how he lives when he returns from prison and with whom he associates, and I say this, that we ought not to take account of the convict alone, but we ought to look to what society is in itself.

WARDEN WOLFER.—I have listened with great interest to the excellent paper by Mr. Butler. We have had the parole system in Minnesota for ten years. I will not take time to enter into any details, but we have had good results.

REV. WM. C. SToudenMIRE.—We find in Maryland that the most important part of our work is to find employment for the ex-prisoner. When the men come out I put them into boarding houses in separate parts of the city, and keep in close touch with them until they are settled at work.

The auditing committee reported that they had examined the books of the secretary and treasurer and had found them correct.

WARDEN GARVIN reported the resolution in reference to the Louisville meeting, which had been referred to the committee as follows:

Resolved, That the Executive Committee be instructed, in behalf of the Association, as a preparation for the next meeting of the Association at Louisville, as a sub-committee of this Association, or through such agencies as they might deem advisable, to unite with the press of Louisville and other cities in the South, to obtain the services of intelligent and sympathetic reporters for the publication of the proceedings of our meeting in Louisville. The resolution was adopted.

REPORT OF THE STANDING COMMITTEE ON POLICE FORCE IN CITIES.

BY COL. RICHARD SYLVESTER, SUPT. METROPOLITAN POLICE,

WASHINGTON, D. C.

In the District of Columbia we have a police force of 600 or 700 men, in seventy square miles, with a population of 300,000, one-third of them colored. We have many small crimes and misdemeanors. We maintain good order perhaps more strictly in that we have police regulations which cover the District in lieu of city ordinances. We construct our police force with regard to the making of arrests, the detention of prisoners and the necessity of acting humanely. We have been careful in the selection of our men. They must pass a physical and a civil service examination, and have a good character. We instruct them that they must be especially careful in dealing with young offenders. In order

more fully to carry out the idea, two years ago we secured the enactment of a law by congress which carried with it an appropriation of \$8,000 for the establishment of a house of detention. This is not an institution, but just a house. The idea is that a child under sixteen should be treated differently from a hardened criminal. The child is kept at this house until the hearing. We try in every way to prevent it from seeming like a station house. The windows are not barred, but we run a wire screen over the windows which might be accepted as against flies or mosquitoes, or anything else. We have well lighted, decorated rooms and they are kept in clean condition. Three or four iron bedsteads, with good mattresses, sheeting, comforts when necessary, and white spreads. The boy when brought into this house by the police officer is first taken to the bath room. There he is given a shower bath. His clothes are disinfected. We then gown him for the night and keep him until the next day, and give him picture papers to look at if he cannot read, or periodicals to interest him. We put four or five in a room, and they get along together well by having an officer who constantly instructs what they are to do. Thus they are kept from hardened offenders. The vehicle which takes them is constructed after my own ideas and in every way avoids the appearance of being a police wagon. By the time the boy reaches the court he has felt little restraint. We have a juvenile court which is in session every other day at 2 o'clock. We have a probation officer who looks after the welfare of the youngster who may be assigned to him, and a board of childrens' guardians to whom many of the youths are bound over, and this board pardons them out in some instances, and in some instances places them in some institution temporarily, using its judgment as to the means adopted.

In the whole two years' experience with this house of detention, the juvenile court and the probation officers, we have been able to lessen the number of juvenile offenders. We have in the District of Columbia a reform school for boys and one for girls; an industrial school also, all well conducted. Three years ago I found that there were a great many intelligent blind on the streets. They had come to the Capital and found a field for harvesting. They would beg under pretense of selling lead pencils or some such thing. There was no place for them to go but to the workhouse. It is a very harsh measure to take a blind man

or woman from the street to the workhouse when he is unable to care for himself. I interested a number of good women, and we have now paid in the last year \$1,500 toward a home for the blind. We have a workshop where we make brooms on contract, and those people who would otherwise be in the workhouse are cared for in this institution. It may seem strange that in the Capital of the Nation there is no such thing as a blind asylum, and no place for the blind who must maintain themselves.

QUESTION.—Is there any probation for colored girls?

Yes, we have a reform school for colored girls.

I thank you for your kind invitation to appear here to-day, and am very glad to know that in many cities of the Union there is a vast improvement in the conduct of police forces from a humanitarian standpoint.

In making formal acknowledgment of the honor accorded me by the National Prison Association to report as a member of one of its important standing committees, I first beg leave to tender my opinion that those constituting the Association's membership, in fact the general public, enjoy acquaintanceship with police methods in the cities, from the standpoint of a report, as clearly perhaps as does your delegate to whom was assigned that subject, otherwise they have been neglectful in their newspaper reading.

Up to a few years ago police officials in many cities were very much like the man whose head was too big for his pocket; somewhat arrogant and domineering, with the self-constituted idea that they were the whole thing, with a shallow regard for the public and profound respect for political power. It is now refreshing to observe that in most of the leading cities the heads of the departments and the rank and file cherish as their fondest hope that the era will come when politics will be eliminated from policing, when those charged with the protection of life and property may make their calling an independent one, be enabled to execute the laws without fear or favor, and feel secure in their position if in the right

We have but to look to the city of Cincinnati to understand the value of a department non-partisan in character. It has undergone no harsh criticism in years.

In these times we realize more fully than ever that we are never too old to learn. We have been taught by experience that the merry laugh and love of the boy on the street is worth having,

that the "God bless ye" of the poor and disconsolate is a better possession than the traces of their tears, and that the respect of good citizens is preferable to the esteem of the bad. We believe that associations and organizations maintained for the study and uplifting of weak humanity, as well as for its proper restraint, should have unlimited intercourse with the police, with a view to co-operation as far as practicable. We are confident that the time is not far distant when the police officer will have the sympathy and regard of not only the individual, but of all those interested in the proper keeping and disposition of the dependent classes, and once had it will stimulate and advance the welfare of the guardian of the peace along lines which should elevate the standard of general police service, which would in turn redound to the benefit of society everywhere.

The interchange of ideas which is had through the annual convocations of the chiefs of police of this and foreign countries is doing much to eradicate old time prejudices and practices, and to advance the police institution in the estimation of the public.

One result which is greatly to be commended is the disposition on the part of the authorities to conduct business on a wiser plane, from a humanitarian standpoint. You do not observe in the public press, or after consulting police records, that the prisoner when under arrest or while being held for examination is subjected to the same harsh and brutalizing influences and treatment that at one time prevailed. This is largely due to the submission of those who come into custody, they knowing full well that their good conduct is an assurance to their advantage, and that the means adopted for their recapture, should they escape, are superior to those ever before known. Not to that alone does the improvement follow, but it is the effect of education derived from contact with those influences which emanate from such associations as your own.

There prevails, I am glad to say, a disposition on the part of those in authority to listen and reason. That individual or organization which appears for frail humanity is given patient hearing, if not indorsement, in many cases where formerly the cold shoulder was in evidence. The female and juvenile offender, the first offense man or woman, and the diseased subject are not railroaded to prison as was often the course in early days, but they are met with kindness, and extended justice tempered with

mercy, so far as the apprehending authority may control of our foremost municipalities.

As I have stated, this advancement has followed affiliation, exchange of thought with reasoning citizens, association and study with those who are employed to handle and investigate criminals, and due consideration for honest criticism of methods as made through the public press.

Cities in these modern times have employed a superior order of policemen, an advantage secured in a measure by the tenure of office provided in some localities. It has been well established that improved intellectual capacity is a strong factor in coping with crime, in that frequently a high grade qualification is possessed by the individual who pre-arranges and operates against persons and property. Of course the low brutal instincts which belong to the lower order of persons will continue to characterize the murderer, but the dishonest promoter, check raiser, forger and confidence man must necessarily possess ability in order to successfully manipulate things so as to bring him returns.

That appreciation which should be entertained for the police is not forthcoming in most places. If the citizens as a whole evidenced a higher regard for the police officer, and extended to him that encouraging recognition which is often due him, it would have a tendency to influence him for the better. If a member of the police force is made to feel that he holds a position of trust and not a private snap, and that he is not and should not be made the implement of the politician, it would tend to his moral betterment, raise his standard of efficiency, and firmly convince him that while his lot is not always a happy one his life is worth the living.

(On the other hand, so long as that man rests uneasy lest in the performance of duty he interferes with the serenity of those having a pull, just so long will he have lost his influence for efficiency, and the community must suffer the ills and neglects that follow.

It is unfortunate for the city that must have its force dependent upon the success of elections. The disposition to do and the performance of honest duty is thwarted in the community where the force becomes a factor in politics. Loss of life and property, insanitary conditions, disorganization, and bad order will prevail

where proper enforcement of law entails removal, reduction or transfer for him who endeavors to perform his duty in a conscientious manner.

It is to be regretted that forces in some cities are not permitted to enforce the laws without interference. It should not be forgotten that upon the police institutions depend all the other branches of government, the schools, the churches, the fire department and the collection of taxes.

If your own and other organizations in an endeavor to promote the welfare of society would join in the effort to promote these principles, there would be a sentiment created sooner or later which would redound to the common good in cities. The police themselves are powerless to create such, but would the charity, prison, athletic and other associations uphold and encourage efforts of the kind, the time must come when the police forces in cities will be maintained in accordance with the expected standard.

The policing of cities is made difficult and embarrassing where a capable head is not free to operate his agency in the interests of the best government.

I would most respectfully invite your attention to a preface which I recently prepared for the Annual Report of the International Police Association:

In this progressive age, when everything has attained a high state of perfection, when scientists and business men, in their ambition to attain glory and wealth, pursue a course of rapidity never before known, changes have been effected which completely transform the conditions which prevailed ten years ago.

These modern departures apply to every class and every sphere of life. The social proposition is entirely new, and those charged with the preservation of life and property must adapt themselves to the situation in order to meet it, or government must be inadequate.

The general public has not been awake to the situation, but has been too much absorbed in other directions to encourage and improve the police situation, so as to modernize and perfect organizations generally that they might be separately and unitedly prepared to contend with conditions.

The police chiefs on the other hand have been alive to the occasion and have assembled and exchanged ideas and discussed vital questions, with a view of bringing about a more intelligent and energetic co-operation. These sessions have been productive of excellent results. A system and unison of action have followed which has been of the greatest value to society.

During the last year the police heads of the United States by appropriate resolutions called upon Congress to define anarchy. The assassination of President McKinley, which occurred at a period of the country's prosperity, and at a time when that statesman had attained the zenith of his greatness, was a startling and shocking deed and awakened the heads of the police to a realization beyond doubt that there exists in this country an element antagonistic to the state which renders and receives aid from a like element abroad.

Congress has been asked to provide a law and a penalty against these classes, to establish a National Bureau of Criminal Identification, and this year foreign heads of police gladly and broadly expressed themselves ready and willing to join with those of the United States in efforts to stay the progress of the disease.

At a convention held in the city of Louisville, Kentucky, on May 7th, 1902, which continued four days, not only did brother chiefs from foreign lands encourage the work by their personal attendance but those who were prevented coming, either by brevity of time or for other sufficient reasons, made sincere expressions of regret and heartily endorsed the movement. So numerous and genuine were the responses that the Association of Chiefs of Police was made international, and at the next meeting, to be held in New Orleans, Louisiana, in May, 1903, a general attendance of police representatives from abroad is hoped for and expected.

At Louisville there were several delegations from Canada, all gentlemen of wide experience and profound thinkers. The City of Mexico was personally represented by a distinguished official. The government of Nicaragua was among the first to respond to the call and made due enrollment of its Chief of Police. A magnificent paper was contributed by the High Constable of Edinburgh, Scotland, and but for the work incidental to the coronation of the King of England, the latter country would have had a number of delegates present. Germany evidenced a

most sincere interest in the occasion, and far off Australia, Korea and other nations made manifest their high regard for the movement.

Those who submitted papers each dealt with modern affairs, affording food for reflection, and I have but to refer to the address of Chief Kiely, of St. Louis, on the subject "Can Criminals Reform"; that of Chief Francis O'Neill, of Chicago, upon "Anarchy and Anarchists"; that of Chief Price, of Vicksburg, on "The Reformation of Criminals"; that of the chief constable of Edinburgh, Scotland, Roderick Ross, on "Anarchists and Anarchism"; that of Chief Henry Muth, of Allegheny, Pennsylvania, on the subject of "Opium and Crime"; that of Chief Hopper, of Newark, N. J., on "The Ideal Policeman"; that of Chief Rodenbaugh, of Norristown, Pennsylvania, on "Juvenile Reformation"; that of Chief Bennett, of Braddock, Pennsylvania, on "The Police Force and Their Work"; that of Chief Benj. Murphy, of Jersey City, upon "How May the Identification of Criminals be Improved Upon"; and that of Chief Shields, of Morristown, Tennessee, on "The Police Undervalued"; all of which productions displayed an earnest and deep study of conditions and practical information of affairs.

There is one matter to which I would like to invite your attention, and then I have done. That is the subject of a National Bureau of Criminal Identification. During the last session of Congress a bill was introduced in both branches, and favorably reported upon by the Judiciary Committee of the House of Representatives, which provided for the establishment of such a bureau in connection with the department of justice in Washington, at an annual expenditure of about \$24,000.

The measure contemplated the appointment of a superintendent and assistants, who were to receive measurements, descriptions, photographs, and all kinds of information concerning criminals, their kind, places of rendezvous, practices and movements. This was to be forthcoming from cities and towns upon the legal authority of those charged with such work, who were to receive in exchange and upon official request all such photographs and information as might be needed in the pursuit of their legitimate calling.

Prison wardens were to enjoy the full benefits which might be extended officials of the post office, treasury and municipalities.

In this wise a network would be thrown out which would keep one end of the country in constant touch with the other, and afford a knowledge of criminals and their haunts which would reduce their movements and manipulations to such a system as would keep them constantly under the protecting influences employed by society.

The movement was originally endorsed by prison wardens, police chiefs, the chief of the secret service, the chief of the post office inspectors, and others. It was the first effort of these officials to secure a national police measure, and should continue to be advocated and promoted by us all.

I desire to have it understood that I have no more interest in the movement personally or officially than have you. I would be pleased to aid it in every way, and to enjoy the benefits that you would as officials, and I am anxious to have it understood that under no circumstances would I accept the conduct of such a bureau, as some of those who are unfavorable to the bill would have you understand.

It would not only supply from a central source a means for ready information, but furnish material for study by scientific men who are constantly endeavoring to enlighten the world.

The report of the House Judiciary Committee, which was carefully prepared, more fully explains the situation and is deserving of your attention. It will so clearly enlighten you on the subject as to enable you to intelligently determine your attitude on the measure when it is again taken up by Congress.

REPORT OF THE HOUSE JUDICIARY COMMITTEE.

For the past several years there has been maintained by subscriptions of the police departments of the principal cities of the United States a central bureau of criminal identification, where are kept on file measurements, photographs, descriptions and records of such criminals as may have come under the observation of the police authorities who are contributors to the support of such bureau. At any time the subscribing departments have had access to the measurements, photographs, descriptions, and records of criminals furnished such bureau, for the purpose of ascertaining the identity and record of any criminal who may

have been apprehended by the officers of a subscribing department.

If the identity and record of any criminal is established by consulting the aggregate of photographs and records kept in the bureau, the several contributing authorities have such information published to them, and the criminal, his record and manner of operating, becomes generally known, and he thereafter becomes known in police circles, and may be taken into account and apprehended when like offense is committed thereafter, especially if he is described by anyone as having been in the vicinity where violation of law is committed.

The bureau referred to is maintained under an annual private subscription amounting to about \$3,000, and the municipalities supporting it and enjoying its privileges number about fifty. The institution is conducted under the management of a board of governors, selected by the National Association of Chiefs of Police of the United States, who employ a capable clerk or superintendent and assistant, who have a knowledge of criminology and who are familiar with the system of measurements as applied by the various police organizations of the world in the measurement of criminals.

The method in use in the Old and New World, and which is being generally adopted by police authorities, is known as the Bertillon system of anthropometry, and had its origin in France. It has been given universal approval by students of anthropology and by the governments and the public where its workings are known. In brief, it consists of the systematic arrangement of cards, each one of which contains the front and profile photograph of a criminal, with the metric measurement of his body, head, arm, shape of ear, complexion, teeth, color of hair, marks on the body, crimes committed, when and where, and all known information pertaining to the subject.

When correctly applied, and the application is simple, the science is not only a safeguard to justice, but a protection to the innocent, and is based on the principle that no two adult creatures are alike. Used as it has been by the police on a limited scale in this country, it has proved a wonderful utility in the identification of criminals who have been a second time apprehended and who have denied their identity. It is in use in all of the leading cities and its cost is insignificant.

The manner of arranging descriptions or measurements of each criminal so that they may readily be had for comparison or identification is brought about by three divisions—small, medium and large—each going into separate compartments or drawers.

The division is made first as to head length; second, head width; third, as to middle finger measurement; fourth, as to foot measurement; fifth, as to trunk measurement, and sixth, as to height measurement. Successive allotments or classifications are made according to these measurements, they being divided successively into three classes, so that in the end one may consult the different cards pertaining to any classification as one would a dictionary. By this division an aggregate of 30,000 cards would be reduced to a classification for consultation of not over ten or fifteen.

To more fully explain, according to Bertillon, 60,000 photographs or cards would be first divided according to the length of head—large, medium, and small—and this would separate them into three divisions of 20,000; the width of the head would again divide each of the 20,000 into large, medium and small, which would give practically 6,000; subsequent divisions arising from the middle finger, forearm, and foot measurements would reduce the number by divisions so that in the end you have no more than ten in a package or class to consult for comparison.

In the selection of a director it is important that he should be a person known to the police authorities, one known to be in full sympathy with their work. Thorough co-operation must exist among all interested, and the government would receive a full reciprocal amount of aid and information. Provision is made that those cities and towns which by legalized action have qualified to receive and give information shall enjoy the privileges of the bureau.

The whole arrangement would constitute one great web which the malefactor could not elude, and bring the authorities everywhere, government and state, into full sympathy and co-operation, the government being amply repaid for the small expenditure.

In New York state "An act to facilitate the identification of criminals" became a law April 18, 1900, and applies to all penitentiary prisoners and those confined in the Elmira reformatory. Under its operation the state superintendent keeps the photographs, measurements, records, and descriptions of all prisoners confined in penal institutions.

It is in use in many prisons in the United States, and is regarded as a most important adjunct.

In France, Germany, Italy, England, and other European countries, and in some of the South American republics, this plan of identification has been in use for many years.

The purpose of the pending measure is to place the duly authenticated United States government and police officer in every city, village and town in the United States in touch with a central source of criminal information, to which he shall give either photographs, descriptions, or information concerning criminals or crime, and from which he will be furnished with criminal information which could be known generally by the authorities for the benefit of society or with that concerning any one criminal, which may be of special interest to his local city.

It contemplates the establishment, at small expense, of a place where there shall be concentrated descriptions, measurements, and pictures of criminals and information concerning them, gathered at home and abroad, and for the proper dissemination of such information, either generally or specially, as may be warranted.

With the photographs or information concerning persons who may have plotted against the state abroad in possession, it having been sent to the bureau, say, from the Paris bureau of police, should such persons have come to this country, the authorities would be enabled to know them wherever they might locate and the character of their work.

When a subject deserts from the army or navy of the United States the police authorities, to a limited number, are furnished with descriptions of such deserters. Through a bureau such information would not be limited, as it now is necessarily, but would be generally distributed.

The chief of the secret service, chief of the post office inspectors, and wardens of the government penitentiaries have all given it their favorable and unqualified indorsement. The former will be placed in closer touch with the police authorities, and a thorough co-operation follow. Should the chief of the secret service require immediate information, he would not be required to write to a police department and be compelled to wait an investigation and reply, for the same could be had within an hour's time by consulting the bureau.

The measurements of those who plot against the state in foreign countries would be possessed by the bureau, and when such person came into the country no question could exist about their identity.

The hobos and others who have robbed postoffices throughout the land would be more closely watched and more frequently apprehended through the co-operation of the police and post office inspectors.

Should prisoners escape from any one of the United States prisons, or state prisons, with his photograph printed and sent out from the bureau to the authorities of all countries, cities, and towns, with descriptions accompanying, chances of escape would be reduced to a minimum. Escaped prisoners or criminals range widely and spare neither life nor property at such times; professional thieves are constantly moving from one locality to another, one city to another, one state to another. These professionals make circuits and become national characters, travelling and depredating here, there, and everywhere. Police records show that the professional burglar, confidence man, check worker, and hotel thief, is always on the move, an enemy to society generally throughout the country. The police of various states, cities, and towns are constantly co-operating in the apprehension of the classes named, so that police efforts are made to-day on the unquestionable principle that when the police of any city or the sheriff of any county apprehends and puts a professional thief out of the way, society in every state and municipality in the country derives a great benefit.

The police business in the United States has largely become a man-hunt in which all participate; and when the game is taken in any one quarter, all others join in rejoicing, for they no longer have fears that their respective localities will be terrified or robbed by such a character.

It is not proposed that the bureau shall be a detective agency, but a place where the chief of police of Paterson, N. J., might send a photograph, measurement, or description of a certain arrested person with the request that he be identified. Should the photograph, measurement, or description identical be found among the thousands which will readily be contributed by police authorities from all sources, the character is no longer unknown to the inquirer and authorities everywhere enjoy the benefit of the knowledge thus obtained.

If the bureau is established, photographs, measurements, descriptions, and information of criminals at home and abroad will afford a valuable means of affording protection to government officials and institutions and to persons and property throughout the country.

The National Association of Chiefs of Police of the United States will have with them in annual meeting in May next representative police officials from the principal cities of the world, with a view of establishing a closer relationship personally and officially. That there may obtain a clearer and more elaborate understanding of criminals and criminal conditions, it is desirable that such reciprocal relations be established as will redound to the benefit of the country in many ways, and it will be unfortunate indeed if the United States can not refer to a means whereby secret and valuable information can be suitably received, acknowledged, and disseminated, and be furnished reciprocally. The bureau would give to the United States an establishment and methods superior to that of any other country in this, that it would not depend on photographs and measurements alone, as does France and Italy and England, but information of a special as well as general criminal nature, concerning persons here as well as elsewhere.

There are those who are apt to close their eyes against a painful truth, who are loth to believe that within our gates exist organizations of a secret character, whose purpose and acts are inimical to the welfare and existence of the state. Those who compose them are not generally to the manor born, but are the product of foreign climes. They teach no doctrine, they possess no principles, they have no creed, but aim to destroy simply to witness destruction. They would pull down the pillars of the temple in order to see them fall and crush those who would construct and systematize. Our liberal laws as to publication and speech have been taken advantage of to encourage them in their work. It has remained for history to repeat itself in cruel assassination to emphasize these conditions. Nearly a year ago this Association memorialized Congress to define anarchy and to name a penalty for it. Action has been had in that direction, but Congress should pass the proposed law and provide, at small expense that those means which would enable us to gather, con-

centrate and officially communicate the names, addresses and movements of anarchists at home and abroad.

The two following letters, one from the chief of police, Allegheny, Pennsylvania, and the other from the chief of police St. Louis, Missouri, were presented as part of Colonel Sylvester's report:

ALLEGHENY CITY, PA, August 24, 1902.

*To Richard Sylvester, Esq., President of National Association
Chiefs of Police:*

Your communication of August 4th, has been received by me a few days ago, and you will excuse my delay in replying. I appreciate the honor conferred upon me, and regret my inability to fully present the subject assigned to me—"Police Forces in Cities". My experience, as well as my observation, for some years past, has led me to one conclusion, that there must be an inflexible rule, most rigidly enforced—enforced even with severity. The duty owed to the public at large will admit of nothing else. The discipline must equal, if not surpass that of our navy, and when this is done, we have given to the people our best efforts to create a body of men fitted for the responsible position which they occupy. I am warranted in saying, that in our cities throughout the United States, that I have visited, it has been a study of mine to closely observe the police discipline; the number in the force; the population of the city which they patrol; the character and physique of the men themselves, and I have found that in all these instances they come up to the mark, and would stand a close inspection.

The manuals vary in different cities, exacting different regulations. I have often claimed there should be uniform rules and requirements among the police of every city, as there is in the regular army a uniform code, so should there be with the police, for they are, as an army of men, and their duties and responsibilities are indeed great, far greater than the general public are willing to concede. The police officer who is the most popular, is the one most gentlemanly in all his deportment. This is an essential qualification—politeness—and all policemen should cultivate and acquire it. It will give them that coolness and destroy the least excitability they may have, for a good officer must never,

to use the expression, "Lose his head". He must have it upon his shoulders at all times, and under all circumstances. As I say, his responsibility is great to the public at large, far greater than is generally appreciated. I am aware that slang terms are used and thrust upon them by the indiscreet, and that there are some men upon the force that are not fitted, and never will be competent to act in that capacity, but generally speaking, they are a body of well selected men, brave and courageous men; many of them have met death in the performance of their duty. A good faithful and true officer who leaves his wife and children in the evening, knows not whether he will ever see them again, and many have gone forth from their homes of happiness in the evening and before the rising of the sun the gloom of death has cast its shadow over that fireside, a loving husband, an affectionate father has fallen in the performance of his duty. We cannot say too much in commending the officer that is faithful, and there can be no terms too severe in condemnation of the officer who shirks or hides and fears.

During the last ten years a greater interest has been taken by our general public in the police department, and better men, responsible men are being selected upon the force. This is bringing the force up to a higher standard of morals as well as courage. As I have said, the cool, courageous, and at the same time, gentlemanly officer, is the one needed at all times, and under all circumstances. The time is fast approaching when the system of police service will be as an army of men all selected under uniform rules and requirements, and governed by the strictest discipline. To attain perfection of this great system of police forces in cities this must be done. The municipalities wishing good police protection must vote, first good pay to the officer, and an incentive or inducement should be held out to each and every man upon the force that would instill in him a pride in the performance of his duty. As the soldier in the field of battle is awarded his medal of honor by his country, so should the municipality care for and protect a brave and fearless officer. The standard is attaining a high degree. The march of perfection in the police forces is advancing rapidly and fast approaching perfection. No municipality should stint itself in the number of its police officers. I am sorry to say that this is done in many cities. You ask yourself what is the population of your city, and then you learn the number of policemen who guard and protect the public, and you will find

that it is inadequate as a rule. Let the municipality have a well equipped and ample police force. Men selected without fear or favor entirely upon their individual merits. Men capable and competent, well drilled and carefully examined in every particular for the position. Enforce most rigidly the regulations prescribed governing them as a body of men, and in no instance deviate or allow an excuse, for there can be no excuse for a failure of duty, and thus will we bring the standard up to that high degree to which it is entitled and which the police force of our cities are bound to reach.

Trusting that these few ideas I here endeavor to express may find their way into those able to handle this very important subject, I again thank you for your kindness.

Respectfully,

HENRY MUTH,
Supt. of Police.

St. Louis, Mo., August 25, 1902.

Colonel Richard Sylvester, Superintendent of Police, Washington, D. C.:

DEAR SIR:

I attach herewith a short paper on "Police Forces in Cities", for reading at the National Prison Association, to be held in Philadelphia, September 13th to 17th.

At present writing I think I will be able to greet you in Philadelphia on these dates, but something unforeseen may arise to prevent my leaving.

Very truly yours,

MATHEW KIELY,
Chief of Police.

In writing under the caption "Police Forces in Cities", I have before me a subject at once so comprehensive in its scope and so varied in its possibilities, that I scarce know just what particular salient point to dwell upon.

The duties of the police officer of a great American city are so manifold that I am sure a tabulation of them would be a startling revelation to the average citizen, who seems to be labor-

ing under the misapprehension that a policeman's whole duty consists in circumambulating a certain number of city blocks, making an arrest at great intervals, hauling his prisoner to the station, and resuming his leisurely stroll until relieved from duty.

The truth of the matter is, the work of the city patrolman is both arduous and exacting. In the first place, his hours of duty are unusually long, twelve hours being the regular shift in St. Louis and a number of other American cities. The instant he goes on duty he is on the watch for a thousand and one violations of the city ordinances, however trivial, which it is his duty to report, and which the plain citizen would never notice. He is the inspector general of all that territory within the limits of his beat; and upon him falls the responsibility for its peace and dignity, its comfort, and last and equally as important, its cleanliness.

The secret of a city's beauty lies in its ability to cope successfully with filth and refuse. A clean city is a beautiful city. Just now the city of St. Louis is putting on extra frills in anticipation of the coming World's Fair, and the first step decided upon at a meeting of the city officials a few days ago was the cleaning of the city. The street commissioner promised to clean every street and alley, whereupon the police department pledged itself to see that these highways were kept clean. The magnitude of such an undertaking can hardly be overestimated. Of course we will have to depend to a considerable degree upon civic pride. A house-to-house call has been made by the patrolmen, requesting each householder to co-operate with us, even to the extreme cases of cigar stumps, orange peels, etc., so often thrown unthinkingly upon the street. Patrolmen are making daily inspections of all alleys and summoning into court all whose premises adjoin unclean sections. The result of this general vigilance is already clearly apparent, though this crusade is but ten days old; and at the end of two months' time we look forward to a uniformly clean condition.

Thus the police department is the ally of every municipal branch. Next to the preservation of order, in my opinion the most important work of a policeman in a great city are his efforts looking to the perfection of sanitary conditions. He is the right arm of the health commissioner and the division commander of the sanitary officer. Without him neither of these officers could cope

successfully with filth and subsequent disease, which the slightest hesitancy or indifference will allow to assume awful proportions in all great congregations of humanity. And, strange to say, the tax-payer is seldom aware, in conformity with his general ignorance of a policeman's work, of this most important task of "Police Forces in Cities".

MATHEW KIELY,
Chief of Police.

St. Louis, Mo., U. S. A.

Mrs. Mary E. R. Cobb, chairman Associated Committee on Police Matrons of Pennsylvania, was invited to speak on police matrons.

ADDRESS BY MRS. E. R. COBB.

It is a great pleasure to be permitted to present here some facts in regard to the police matrons, and especially the work of the Associated Committee of Women on Police Matrons, of Philadelphia.

Washington Gladden has said that society is not like a house which is falling into decay, may be pulled down and rebuilt, but rather resembles a tree, as it is a living, growing thing. If pining or unhealthy it may be treated according to the laws of biology, but not under the laws of mechanics. Vital forces cannot be suspended while the body is under treatment. It must keep on growing out of its own roots, while we prune and dig, or it will die.

Our work represents, then, a little branch which aims to convey to the social body of which it is a part something of the "*new force*" to be gained from the outer and upper air, and dispensed in sunshine, breeze and dew-drops.

About twenty years ago the Pennsylvania Prison Society began earnest efforts to have women officially placed in charge of women and children in the police stations of Philadelphia. In 1885 some of its members, with other men and women from various organizations, conferred with the mayor, and the project received his hearty support. He said: "I approve it, not only for the reasons you give, but I am convinced it would improve station houses". The president of select councils also cordially co-ope-

rated, and remarked, "If the philanthropic women of the city would assist in obtaining proper persons to hold these positions, the city authorities would co-operate to establish them".

This suggestion brought into existence the organization called "The Associated Committee of Women on Police Matrons", formed by the selection in five societies, viz.: The Prison Society, the New Century Club, the Women's Christian Association, the Women's Christian Temperance Union and the Society for Orphan Charities, of three women each to represent it. The fifteen thus selected being duly organized, gave their earliest attention to the securing of good and intelligent women for appointment. Four matrons were, in 1886, appointed by the mayor, under a special enactment and appropriation for salaries by councils. There was no fund for furnishing rooms for matrons and the members of the Associated Committee and their friends contributed for this purpose.

Though established under these favorable auspices, the movement was soon subjected to adverse influences. The appropriation for 1887 was in danger. The city government in that year was reorganized under the "Bullitt Bill", and the department of public safety assumed charge of all police affairs. As in other reforms, etc., previous good was overlooked.

A mass meeting was called by our committee, in the hope of creating public opinion sufficient to maintain the ground already secured. Eminent speakers from our own and other states showed convincingly that women only should have charge of women in degradation and distress. Reports of the work already accomplished aroused deep interest among the women. A petition was circulated, obtaining the names of a very large number of prominent citizens, asking councils to make definite and stated appropriations to maintain the present service and provide additional matrons.

These efforts were rewarded by the continuance of the four matrons, and the addition of two others, during the ensuing year.

Two years later to ensure permanence, a bill was prepared under the direction of the Associated Committee, and passed in the state legislature, establishing police matrons in cities of the first and second classes in Pennsylvania as follows: "A police matron shall be appointed for each station house to which female prisoners

or children are or may be taken, and whose duty it shall be to receive, search, take charge of and properly care for all female prisoners and children who shall be brought to such station house."

The advocates of the law laid stress before the assembly upon the advantage of co-operation with good women, both as to appointments and in the relief of suffering, the protection of children and reformation of the drinking and vicious.

Yet the work moved but slowly, and again the Associated Committee resorted to the right of petition, sending to the mayor and councils this memorial: "Inasmuch as for five years a law of Pennsylvania has required for cities of the first and second classes that a police matron should be appointed for each station house to which female prisoners and children are taken, whose duty it should be to receive, search, take charge of and properly care for all female prisoners and children who shall be brought to such station houses; and whereas, There are as yet matrons in fifteen only of the thirty station houses in the city of Philadelphia; and, whereas, There are frequent reports and complaints as to the pressing need of such service at station houses where no matron has been appointed; therefore, we unitedly petition the department of public safety to make all necessary provision for compliance with this law of the state, by enjoining either that there shall be a matron in every station house, or that no woman or child shall be taken to a station house which is without a matron". The present year has brought the number to twenty out of the thirty-four police-districts.

By comparison of the numbers coming under the care of matrons, and those reported by the police department, there would seem still to be a considerable number of women not having the good offices of a matron.

The Associated Committee continues to feel that the law, which is mandatory on this point, should be carried out.

As to methods, the matrons are authorized by the director of public safety to send to the Associated Committee monthly reports comprising a fully record of women and children under care, and details in regard to the more interesting and special cases. A sub-committee on emergencies provides by advice, contributions and consultation with suitable institutions and charities, for urgent physical needs. A small stock of clothing is

placed in the hands of each matron to be used for children, aged women and mothers, in cases of extreme destitution. The needle-work guild co-operates most benevolently. We follow up our scant opportunities to maintain moral and spiritual influence over erring woman, and in many cases have assurance of success.

It is important to maintain cordial relations with the city authorities. With the incoming of a new administration the Associated Committee, by letters and delegated visitors solicits attention to this work and asks the sympathy of the mayor and director of public safety, and has usually received cordial and courteous support. One director said in one of our meetings, "Money should not enter into the question of the police matrons; the saving of one young woman from evil ways would compensate for all our outlay of money, and yours of effort." Another said to our visiting committee: "It is a great pleasure to know that a large number of Christian women have so closely at heart the interests of this work."

The original suggestion from the head of select councils has never been forgotten, and effort, conscientious and persistent, is made to secure the appointment of worthy and intelligent women only. Records are kept of candidates and credentials. Those approved are recommended to take the civil service examinations. Our lists and conclusions are open to the department, which has sometimes sent its applicants to us for investigation and acquaintance, and in one case its entire list of successful civil service examinations for these positions. Of the women appointed without our concurrence some have become after learning of the existence and purposes of our Association, most hearty helpers, in spirit and methods.

The degree of efficiency in each depends on individual character and discretion, good health, cheerfulness and the self-denial taught by Christian principle.

The matrons are often visited, always informally, without claim of official direction or oversight, but for conference and advice as to special needs reported for their charges.

An annual reception, or "Tea", of simple character, has been established, at which the societies represented in the Associated Committee, have in turn entertained the matrons, the officers of these societies, the committees, and other friends of their work,

and these occasions have been both profitable and pleasant. The matrons are a fine and efficient body of women.

The Civic Club, the Christian League, and the Mothers' Council have also sent representatives, so that the Associated Committee on Police Matrons now stands for eight prominent organizations of women or men and women as associated for philanthropic work, penal reforms and civic elevation.

Each of the societies represented pursues some different line of study from the facts and conditions brought before us. In the New Century and Civic Clubs the apparent causes of extreme poverty and criminality are examined. The Women's Christian Association finds its deepest interest in protecting young working girls, the Women's Christian Temperance Union studies intemperance among women, and the others the moral, charitable and social phases of the problems presented.

It should be made very clear that the Associated Committee does not desire to make the police matrons almoners in ordinary fields of charity. Only the direst need of food, clothing and shelter may be relieved from the supplies placed in their hands, and their use of the meager resources is very judicious. Women and children are at times in such deplorable condition that they are not fit to appear next morning at the "hearing", and the matrons enable them to make a decent appearance. Persons out of employment, and families turned upon the street appeal to the station houses, and through the matrons are aided by our emergency committee.

Much larger supplies, if at our disposal, would be in no danger of being misused. To find work for those degraded women who desire it, is also one of the aims of this Associated Committee.

The entire number of women reported under matrons' care in 1901 was 6,280, while 7,514 were reported by the department.

The number of children reported by the matrons in 1901 was 4,769, the department reporting 2,289. Babies brought in with criminal or drunken parents, and innocent little ones sheltered temporarily, account for the difference.

The "special cases" are never made public nor mentioned by name out of the committee room, but they enlist each month new endeavors and devices to reach and help the sufferers.

CITY WORKHOUSE, CINCINNATI, OHIO.

BY WM. RUEHRWEIN, SUPERINTENDENT.

To imprison people for misdemeanor or crime, thereby endangering the peace of interests of society, is not a modern invention, but an institution as old as organized society on earth. It was first in the enlarged family, then in the state, laws and regulations were made to maintain order and peace by restraining the passions of the animal man, became a necessity of prime order.

Chief Justice Miller gave several illustrations of the character of legislation against crime. He says "Human experience teaches that crime develops as civilization grows older and population increases". This principle seems to be established by the experience of our own government. For crimes against our national laws seem to have kept pace with our national development. The ingenuity of the artisan challenges and sharpens the ingenuity of the burglar. Postoffices are robbed almost as soon as they are established, and bank vaults are demolished easily. Schools of crime are as accurate in what they teach as schools for literary educational purposes. The mechanical achievements of civilization are utilized in the refined arts of the criminal. The mail facilities of the country carry messages of death as they do messages of affection or business. The commission of crime necessitates a law for its punishment and prevention, but the enactment of such a law develops a new crime which will evade the new law and thus make another law necessary. Crime and law follow each other, one trying to avoid, the other trying to punish and prevent. The great code of criminal law and criminal procedure as it now exists in the statutes of the United States is the result of more than a century of national experience in criminal legislation.

To determine what kind of punishment should be administered against offenders is a very difficult problem to solve, and there does not seem to be any exact rule for determining it on account of such a vast difference of opinion, even among long experienced prison officials, Humboldt, in his "Sphere and Duties

of Government", lays down the following rule on the subject in the close of his chapter on criminal laws: "The most severe punishment must be no other than that which is the mildest possible according to particular circumstances of time and place. From this all other punishments must be determined, in proportion to the disregard manifested for the rights of others in the crimes committed. Hence, the severest punishment must be reserved for him who has violated the most important right of the state itself; one less severe must be inflicted on him who has only violated an equally important right of an individual citizen, and lastly one still milder must be applied to him who has only transgressed a law designed to prevent such injuries."

Laws and regulations would, however, remain ineffective and powerless; and with wrongs unredressed and rights unenforced, society would soon come to destruction by the violence of the wicked. If the selfish strong man be at liberty to deprive the weak member of society of his rights and possessions without a power strong enough to check or to hinder the thief from doing it, and to enforce equal rights and justice to all, the earth would soon be filled with violence and require, like in times of Noah, a flood from heaven to wipe out all life from the face of the earth. Hence, that judges in larger communities, probably courts of justice, and there is every reason to believe that also juries, composed of the older members of society, were of primitive establishment among men.

Prison and punishment were the natural means to enforce the requisite laws and regulations. "Holy Scriptures", surely the oldest and most authentic records we possess of man's doings on earth, make frequent mention of prison and prisoners. Originally, in the close relation of the family especially, imprisonment was meant nothing more than correction of the prisoner. And if necessary they were lashed, and probably were put to hard work, may have been additionally applied to correct the prisoner, to bring him a healed and useful member, back to the family again.

In the state however, the further it advanced from the close relation of the family, imprisonment assumed a much severer aspect; and often served only as a means to satisfy the feelings of rivalry, of private grudge, envy, or revenge, of the strong and politically influential against the weaker member of society. We need not go very far back in the histories of the world's penal

inflictions to have our indignation rise to a pitch of utter disgust at the cruelties committed against some erring prisoner, more often yet against undeservedly incarcerated members of society, to satisfy not a sense of justice, but a feeling of private revenge of some fiendish individual high in command. Read the criminal histories of the nations up to the very verge of our own times, you cannot help the tear of sympathy that will press into your eyes in warm compassion for many poor suffering prisoners who were sent to prison for spite and revenge. However no earthly judge or jury could be just to the letter of the law, or to the very purpose of their appointment by preferring mercy to justice. Mitigating circumstances may sometimes recommend the accused to some milder sentence, and if the judge be a tender-hearted man, he may take a kind view of the case, and reduce the punishment to the lowest minimum of the law. But no judge could entirely set aside the explicit letter of the law for the sake of mercy. This would altogether defeat the very object of the law and justice. Justice by its very nature, is bound to bring the law or laws to bear upon men's actions, and if certain of these actions be of a tendency either to disturb or to destroy the rightful enjoyments or happiness of others, justice will, and must, by its very appointment, check or stop such actions by inflicting punishment upon the prisoner. And without being vindictive, the law is yet bound to cause trouble and suffering in the vindication of the rights of society.

Prisons should mean nothing else but healing, if the prisoner himself wills it, by teaching him self-support, hence self-respect. He is sent to prison for the correction of his bad habits, in fact for being taught better conduct for the future. The aim is restoration to their own-selves, to their best selves, to their family and to society again.

Prisoners are not to be regarded as a class or a part by themselves, and distinct from all other men. They are a part of the great mass of people for whom humanity bids us work. For they are just as much a part of that mass as any other men and women are a part of it. All the great study of prisoners and their crime that can be made, not by theoretical, but practical experts, scientists and penologists can make, we heartily welcome them. No such study will be in vain. The better we understand wrong-doers, the more we can do for them, if they themselves will it.

Prisoners are much like other men and women, they are of flesh and blood, same as we all are, and have a soul to save the same as we all have, and when we think of the permanent motive to our work, we cannot separate them ourselves. Because we are all of one blood, we are all of one humanity, and while some are more fortunate and others are less fortunate, we are all alike subjects of one Creator and affectionate Father. The prisoner is some one's father, mother, brother, sister, son or daughter, grandfather or grand-mother. The prison should be for your neighbor's son what you would want it to be if you could imagine that your own son were going there. Prisoners, however, must be made to feel that they are secluded from the outer world because for their crimes they have committed against society, by violating the laws of the state

WEDNESDAY—EVENING SESSION.

The closing session of the Congress was called to order at 8:30 P. M. by the President. The following resolution, offered at a previous session was recommended for adoption and on motion was unanimously adopted:

Resolved, That the Executive Committee be instructed in behalf of the Association, as a preparation for the next meeting of the Association at Louisville, as a sub-committee of this Association, or through such agencies as they may deem advisable, to unite with the press of Louisville and other cities of the South to obtain the services of intelligent and sympathetic reporters for the publication of the proceedings of our meeting in Louisville.

The following greeting was read by the secretary:

A resolution of encouragement is sent from the Women's Christian Temperance Union, now in session at Phoenixville, Chester County, Pennsylvania, to the National Prison Conference, being held in Music Hall, Philadelphia, at this time. We are with you in heart in the important work of saving, especially of child saving, realizing the crime resulting from the liquor traffic is mainly responsible for the necessity of prisons and jail work, and God speed the day when your work may not be necessary.

ELLA P. MARTIN,
President.

ANNIE M. HOGG,
Corresponding Secretary.

PRESIDENT HENDERSON.—In the last analysis no man can permanently make right decisions of the will without a good physical basis, and what is true of us must be true of our brothers in prison. I feel glad this evening to sit at the feet of those who had experience in dealing with men on the physical side. You can not touch the soul without touching the body and you can not affect the body without affecting the soul. It is therefore with peculiar pleasure that I pass the meeting over to the representatives of the Physicians' Association connected with this Congress. I introduce Dr. G. M. Kelley, who will preside.

DR. KELLEY, President of the Prison Physicians' Association, took the chair and introduced Dr. John T. Bird, physician of the Ionia, Michigan, State Reformatory, who read a paper. He was followed by Dr. Theodore Cooke, Jr., physician of the Maryland State Penitentiary, Baltimore.

IS THE TENDENCY TO CONTRACT INFECTIOUS AND CONTAGIOUS
DISEASES GREATER IN THE PRISONER THAN IN THE FREE MAN.

BY DR. THEODORE COOKE, JR.

When we turn over the pages of medical history and note the changes that have occurred in the past half century, we often wonder what we as physicians would have done with the limited means controlled by our forefathers. In no branch of the study of medicine are these changes more marked than in that of protecting the community against disease.

Recognizing what an important matter prevention of disease must be to those in control of prison work, this address will endeavor to present the speaker's modest ideas and suggestions, as how we can guard against disease in our prisons; incidentally giving personal experiences to justify his position

We may call the present era in medicine the Bacteriological epoch. Gradually we are satisfying ourselves that all diseases are originating from some bacteriological source. These known or unknown germs, ptomaines, etc., are constantly menacing the body, being present in the air, water and earth.

Nature has erected bulwarks which we know as lymphatic glands and leucocytes to protect the body against these enemies. If the individual is in perfect health, these bulwarks are healthy also, and can resist the invasion of disease, but, if the individual's condition is not perfect, the weak point is attacked by whatever disease may be present and can thrive on this point.

This crude presentation of cause and effect, I desire to use in the discussion of the tendency the prisoner has of contracting contagious or infectious diseases. With its assistance I desire to try to determine whether the prisoner or the free man has the greater tendency to contract these diseases.

To arrive at a proper solution of this question, we must first consider the relative condition of the free man and the prisoner. First of all, the previous history of each; then what physical and psychological changes are wrought in the prisoner after incarceration begins: Finally, is the prisoner as exposed to infectious or contagious diseases as is the free man.

Taking up the study of the free man and the prisoner, we find that even in the time before they have become two distinct classes, the difference is rather marked. Starting from childhood, they may or may not have had the same advantages; the same surroundings, but gradually they have drifted apart. The one that is going to continue as a free man pursues a course of application, energy, sobriety and moral purposes. The other throws off the restraints essential to progress, and gives way to the demoralizing influences of immoral tendencies. Those that take this latter course, of necessity lose that naturally strong, physical and mental constitution that nature has provided for them, thereby weakening the bulwarks against disease.

Examining the records of the physical condition of the men at the time of their reception to the Maryland penitentiary we find that over 10% have syphilis, either acquired or inherited. We find that over 10% have tuberculosis in some form or other. We find the mental condition of 25% below the standard, due either to inherent taints, neglect or self-abuses. We find that over 80% acknowledge the use of alcoholic stimulants before their conviction. These statistics gives us a slight idea as how nature, when weakened by excesses is liable to be overpowered by the ever present germs of disease.

Our only conclusion then, can be that the one who is going to retain his liberty has the greater power of resisting disease; while the one who takes the opposite course falls an easy victim to any disease that may be present.

Becoming a prisoner the individual is restrained from his demoralizing tendencies and is compelled to lead a life different from formerly. His hours are regular, his diet simple, yet wholesome, with total absence of alcoholic stimulants. He receives the best medical and spiritual attention; he has healthy employment. He is kept under strict discipline, his correspondence and reading are all carefully looked after, and he is shown the perils of vicious

habits. Under these favorable conditions, these unfortunates, many of whom have never had a kind word spoken to them since childhood; scoffed around the streets as the scum of the earth, partly regain that strong constitution they had lost before imprisonment; thereby partly regaining their power of resisting disease.

Of course, the loss of freedom, of outside exercise, and of friends and relatives, are factors that diminish this resisting power, especially in those prisoners who have led an upright life until they had committed an offense against society which has resulted in the loss of liberty. By the loss of his freedom, friends and relatives, the psychological condition is impaired. For "Liberty" our forefathers, in a just cause, fought and gave their lives. How priceless it must be. How much must the mental condition be impaired of the man who loses his liberty through some overt act against the community. The elimination of outside exercise leads to a diminution in the number of red blood corpuscles in the body, causing the condition we know as prison pallor.

The conclusions to be drawn from the foregoing facts are as follows: On the one hand, the previous history of the individual before he becomes a prisoner, tends to decrease his power of resisting disease, as also after his imprisonment begins, do the loss of freedom, of outdoor exercise, of friends and relatives. On the other hand, the prisoners' regular life, correction of bad traits in character and constitution, etc., tend to rehabilitate this resistant power. Hence, we find that the prisoner after his incarceration, by breaking off from bad habits and companions, is made more capable of resisting disease than formerly. Still his previous life has left its mark on him, and he has not the resistant power of the man who has led a life conducive to a strong constitution.

We find then that prison life reforms the individual physically as well as morally. He enters the institution a physical as well as a moral wreck, as the courts have declared him. It is the endeavor of the prison authorities to correct both the moral and physical deformities as much as it lies in their power. Judge Tuthill last Monday night told us that the hardened criminal is kept aloof from the juvenile prisoner. So it is in regard to the physical condition. Those suffering with infectious or contagious diseases are separated from the healthy prisoner and it is the duty of the authorities to use all diligence in keeping the bodies of the prisoners away from anything that may produce disease.

The expression "Cleanliness is akin to Godliness" is more appropriate to-day in our present conception of the aetiology of disease, than it was formerly. Uncleanliness is a condition under which disease germs flourish. In the construction of the Maryland penitentiary the principle of cleanliness was predominant. There are no places for the accumulation of dirt and disease germs, especially dark spaces, which are particularly attractive to the development of certain bacteriological products. The cells are well lighted and constructed so they can be thoroughly cleansed at regular intervals. The excrements are not allowed to remain in their depository; each apartment is supplied with running water, and the prisoners are encouraged to bathe daily, beside being compelled to take a shower bath at stated periods. In fact, "Cleanliness" is the watchword of the management.

We have found the prisoner's constitution vulnerable to all manner of diseases, and any let up in vigilance on the part of the authorities might lead to serious results. As an example allow me to relate an incident that occurred in the Maryland penitentiary on the advent of the present administration. It was found that mumps had visited the institution every spring, laying up fifty to 100 individuals. It was our endeavor to find the source of the epidemic. Examining carefully the records it was found that every year the trouble had started in the stone shop. Imagining that the cause was a local one the stone shop was thoroughly renovated. The next spring mumps appeared in the same shop. It then being evident that the trouble came from the outside, the materials brought to the stone shop were examined. We found that the rags supplied by the contractor to rub stone, were gathered off the streets. The authorities ordered that said rags be thoroughly boiled before entering the prison. For the past eight years we have been perfectly free from this disease.

In connection with this incident I desire to call your attention to the liability of the prisoner to contract mumps, and the danger of the prison authorities overlooking the source of infection. As we all know, mumps is generally considered a child's disease. Yet in the Maryland penitentiary from 50 to 100 adults annually contracted this disease, superinduced by the use of outside or extraneous substances incidental to their employment. This gives us a slight idea how liable the prisoner is to infection when he comes in contact with diseases. Outside the stone rubber uses the

same rags. Are they boiled for him? No. Yet the free stone rubber does not contract mumps in the performance of his work. The danger of the prison authorities overlooking sources of infection is very great, especially in an institution where the industries are various and the implements and goods used are many. Each and every thing should be scrutinized to ascertain whether it can possibly be the source of infection. However diligent we may be, infectious or contagious diseases at times appear in our prisons. These diseases are thoroughly isolated as soon as diagnosis can possibly be made. The patient is entirely separated from the rest of the institution, and after recovery everything that has come in contact with him is destroyed and the room he has occupied fumigated and renovated. Erysipelas is unfortunately too common a disease to penal institutions. It is begotten by the utilization of infectious substances carried in the institution. By constantly being on the alert we keep the number of cases very small; the least irritation of the skin being subjected to the most rigid examination. Tuberculosis, a disease recognized as a malady capable of being carried from one individual to another, is the nightmare of all prison physicians, especially where the negro predominates; every acute disease tending to end in some form of tubercular trouble. Though we cannot refuse to accept tubercular patients as most of the outside hospitals do, we isolate them and destroy everything they come in contact with, especially the sputa, so that they will not be a menace to their fellow prisoner. The same can be said of typhoid fever. We endeavor to protect our water supply, which is the source of infection and the excrement are rendered harmless before leaving the institution, thereby not only protecting the institution, but also the outside community from this dreadful scourge. Vaccination is compulsory, every prisoner being thoroughly protected against small-pox. We are constantly on the alert for trachoma, every case being isolated and treated on its reception to the institution. What has been said about trachoma applies to syphilis.

I will not lengthen the list of diseases we are constantly guarding against, the foregoing being the most prominent. In calling your attention to these diseases, I desire to bring out the point that we, as prison physicians, are constantly on the watch, protecting from some contagious or infectious disease, the unfortunates under us, our chance of success being greater in the

prisoner than in the free man, as the prisoner is absolutely under our control, while the free man is not. Then is the tendency to contract contagious or infectious diseases greater in the prisoner than in the free man? Having found that the previous history of the prisoner tends to decrease the power of resistance to disease, as also do the loss of liberty, of outside exercise and friends and relatives, and having found that the prisoner's regular life, correction of bad traits in character and constitution, etc., tends to rehabilitate this resistant power and having also found that as far as medical science permits, the diseases themselves are kept away from the prisoner, the answer to the title of this paper can only be that the tendency to contract infectious or contagious diseases is not as great in the prisoner as it is in the free man. Therefore, though our prisoners if left unprotected like the free man would fall easy victims to contagious or infectious diseases, protected, the tendency to contract these diseases, is not as great as it is in the not as well protected free man.

"Let us, then, be up and doing
With a heart for any fate,
Still achieving, still pursuing,
Learn to labor and to wait."

As physicians, as prison authorities, let us be up and doing. These poor unfortunates under our care need every safeguard thrown around them that science gives us, and when the time comes that ends all things may He who presides over the destiny of all, find that we have acquitted ourselves acceptably of our stewardship.

MENTAL AND PHYSICAL EFFECT OF RECREATION AND PRIVILEGES.

BY JOHN T. BIRD, M. D., PHYSICIAN OF THE IONIA
REFORMATORY, MICHIGAN.

In order to fully appreciate the effect, mentally and physically, of recreation and privileges upon the inmates of our penal institutions, two factors must be given due consideration:

First, the condition of the men, mentally and physically, when they are received. Second, the condition of the inmates of prison and reformatory at a time when such privileges as are now enjoyed were unknown, and, indeed, seemed about as remote as the dawn of the millennium; for until recently the only recreation allowed the men was ten hours' work each day, and marching to and from their cells and the shops; and, to aid in muscular development compelling them to carry a ball and chain; discipline being maintained by the aid of the cat-o'-nine tails, hanging by the thumbs, the pump, paddle and dungeon. According to the records of penal institutions, about 50% to 70% of the men when admitted are more or less physical wrecks as a result of heredity, vicious habits, long continued dissipation, improper food, and confinement in unsanitary jails; and not infrequently their mentality has been perceptibly impaired by these conditions, to which must be added their anxiety as to what fate has in store for them, an anxiety relieved only by the verdict of the jury and the edict of the judge.

Under the old system their condition, with the one exception, that they were no longer uncertain as to the length of time they must remain in prison, was not an improvement in their environment before they were removed from jail to prison or reformatory. Rather it was worse, for while they were uncertain there remained a faint hope. After sentence has been passed it was one ceaseless grind, with nothing to give them strong and well exercised bodies, ready to be put at the shortest notice at such labor as strong bodies are capable of and to do it well.

To meet the varying conditions which I have briefly outlined is the problem which has confronted humanitarians and philanthropists.

To better a man's moral nature it is necessary, first, to effect a radical change in his physical condition. The question of recreation, mental and physical, so far as it relates to prison reform, is yet in its infancy. Indeed, its importance is too little considered by the majority of those who have to do with the training of the young outside of the reformatory and prison. It is strange, then, that as a factor in the prevention and cure of crime, which, it seems to me, is the only object for which these penal and reformatory institutions are maintained, that recreation should have received so little attention in the past, or that it should come to the foreground now as a potent factor in the elimination of the cause of crime, as well as the one factor which solves the question of prison discipline.

That recreation for and privileges granted to the inmates of the Michigan Reformatory practically controls the discipline therein is no longer a question. It has long since passed the experimental stage, and is now an indisputable fact. It is imperative that the first steps in reformatory or correctional treatment shall be such as will put the prisoner in as perfect physical condition as possible. Men physically afflicted are hardly reached by reformatory influences and satisfactory results can be attained only when their ills have been cured or relieved. We have not done all, although much, toward the attainment of this object, by making a practical application of the hackneyed phrase, "Cleanliness is next to Godliness". The salutary (and sanitary) effect of soap and water cannot be denied, but these, supplemented by allopathic doses of everything known in the *Materia Medica* can not bring about the desirable result—"a sound mind in a sound body"—if the objects of our solicitude and care are, per force, compelled to toil incessantly in a treadmill, with no relief for strained muscles or nerves. There is nothing more certain than this. We must have changes in diet, employment and in methods of thinking and acting to allow development both mental and physical and prevent degeneration. Without these to help him, the physician's office must still be the one most frequently sought and that official the one most over-worked, while the list of excused men shows no perceptible diminution.

Work in itself not hard becomes so by being pressed day after day with unvarying, unrelenting sameness, with not even the consciousness of freedom to take from its tediousness. For men who

spend the whole of every weekday in unrelenting toil not much can be done by a few hours of religious instruction on one day, and vast and far-reaching as are the results attained in the school, (now an inseparable adjunct of nearly every penal institution) these results would hardly have been possible had they not been supplemented by a few hours of physical recreation and mental relaxation each week.

In the Michigan Reformatory, where it is my privilege to labor, we have for eight years had a warden—Otis Fuller—who has ideas of his own regarding the treatment of prisoners. His humane and broad policy, in striking contrast to the treatment of convicts heretofore was by many regarded as revolutionary. He has had before him an ideal to attain and a system has been adopted which shall stimulate, develop and strengthen the inmates physically, mentally and morally, and all who have had to do with the work agree that more has been accomplished toward the attainment of this ideal in the few years since the hours of toil have been interspersed with hours of recreation out of doors than was accomplished in all the preceding years. Among the many privileges given our men is the yard. At first, one hour each week was the limit of time permitted, but as favorable results of the concession became more and more apparent, the time has been extended, and now three (and not infrequently four) hours are spent in the yard each week. The inmates very sensibly agree that if deprivation of these privileges be intended as punishment, the granting of them is a reward for good conduct, and faithful service, and act accordingly. The result to the officials is less insubordination and fewer cases where it has been necessary to inflict corporal punishment; to the contractors more and better work, more cheerfully performed, and last but not least, to the inmates stronger physiques, increased mental vigor, and happier lives. Regarding the depriving of these privileges, we arrange it in this manner; one written report deprives the inmate of yard for thirty days and these are marched to their cells before the others go out. With the ordinary individual one such experience is enough. Warden Fuller's theory that there is good in nearly all men if only the right method is employed to develop it has wrought a marvelous change in the discipline at Ionia. Corporal punishment, the use of stripes and the ball and chain have been almost abolished. Before these privileges were granted the

inmates, it was not very uncommon to have quite a number wearing stripes and carrying a ball and chain. Better than all else, there is a very perceptible improvement in the general health of the inmate body. There are at present fewer men excused from duty because of sickness than at any time in the history of the reformatory. In one respect, more noticeably than any other, has physical recreation and dietary measures been productive of lasting good. That *bete noir* of the prison physician—chronic constipation—and other ills resulting directly or indirectly therefrom has been almost if not entirely overcome.

So favorable have been the results of recreation out of doors that last winter, when the weather would not admit of the yard the officials at Ionia tried the plan of giving the men with good records the freedom of the rotunda and corridors, on two or three occasions, with surprisingly gratifying results. For several hours the men exchanged visits talking of home and home friends, and planning for the future when they were free men. New life seemed to have been given them and as a result new interest and greater zeal were evident in the workshops. Thus carrying into effect the theory of most authorities on the subject that it is absolutely necessary for the human family to have the society of others in order to maintain mental vigor and preserve sanity.

Another privilege the men have enjoyed; that of participating in a measure—in the government of the institution. Only to a limited extent, it is true, but enough so to convince the men that they are something more than mere automatons. There is a committee composed of representatives from the different departments, with the deputy warden as chairman *ex-officio*. This committee is allowed to interview the men who have been sent to their cells for reports and very often much good has been accomplished. They have charge of the entertainments on yard days and by their labors a fund was raised early in the season to defray the expense of securing base ball talent from the outside, hiring a band to give a concert on one of the holidays, and providing an abundant supply of refreshments. The confidence reposed in the members of this committee has been an incentive, not only to the members themselves but to the entire inmate body, to do the best possible for the officers and contractors, fully convinced that thereby they were doing the best possible for themselves.

There is another class, too, and its number is by no means insignificant, who are benefitted by the recreation out of doors and the other privileges shown them. I refer to the degenerates, who, like the poor, "we have always with us". In the case of these unfortunates, mingling with other inmates in more vigorous health-giving exercise has, notwithstanding their environments, been productive of good to them, inasmuch as association with those more nearly normal in mental development has been an incentive to control and subdue their idiosyncracies.

How to limit the over-production of criminals and defectives is a problem, upon the correct solution of which depends the perpetuity of home, nation and civilization. To discuss this question here is perhaps a digression from the topic assigned me but as a physician the question is one to which I have given not a little thought. Much has been written upon the subject by able practitioners, and many and varied have been the methods suggested by means of which this may be accomplished.

Statistics show (E. Bleuler, Lombrose, etc.) that more than three-fourths of all crimes are committed by habitual criminals. Also that no small proportion of criminals, degenerates and perverts, are the offspring of parents similarly afflicted. These facts considered, it would seem that if it were no longer possible for habitual criminals to reproduce themselves there would inevitably be a marked decrease in this class, as well as a consequent decrease in the number of criminals from contact, for careful observers have noted that an individual fairly normal, being placed, while young, in an environment suitable to develop criminal tendencies will be much more likely to degenerate into a criminal than were he placed under opposite conditions. In the case of female criminals nature has made ample provisions and their sterility is assured, as a result of an acquired specific endometritis and salpingitis, usually resulting in an occlusion of the Fallopian tubes. In order to imitate nature and accomplish the same results in the male criminals some method must be employed which will not result in the permanent deformity, endanger life, nor interfere with his enjoyment of life should he reform and become a useful member of society, for I do believe if this method I am about to endorse and recommend to your thoughtful consideration should be generally adopted many of the now useless members of our penal institutions could become self-sustaining at least. As I have

stated, various methods have been tried, but invariably have met with so many objections as to prove ineffectual. But a method, by the adoption of which this desideratum may be reached, at the same time realizing that desirable condition subserved by the "greatest good to the greatest number" in operation first recommended by Dr. A. J. Ochsner, of Chicago. His method consists in the resection of the *vasa differentia* on both sides through an incision less than an inch in length just below the external inguinal ring. This operation was as you know devised for enlargement of the prostate and from its use in these cases we get the authority for claiming the only effect it would have on our criminal patient is sterility, as Dr. Ochsner's patients proved to be perfectly normal aside from this one condition, for which we are striving, that of sterility in the male habitual criminal. In a letter of September 6th, 1902, from Dr. Ochsner, he states he saw one of his patients on whom he operated three years ago, and he is perfectly normal aside from sterility. The doctor states his experience in this operation has increased considerably during the past three years and this latter experience has borne out all that could be desired along these lines. Now to sum up the advantages of dealing with the habitual criminals in this manner Dr. Ochsner says:

First. It would do away with this individual from the father's side.

Second. Aside from sterility the patient would remain, physically, in a normal condition.

Third. This method would protect the community at large without harming the criminal.

Fourth. The same treatment could be reasonably suggested for chronic inebriates, imbeciles, perverts and paupers. To the laity as well as to the profession there seems to be plenty of common sense in this method of treatment, and no one will deny that common sense is not as inspiring as the gift of prophecy. There is no lack of discipline, rigidly maintained if obedience to it becomes a habit, and that habit is a part of our unconscious self. And now in conclusion I would say as a result of the working of Warden Fuller's theories we have accomplished these three most desirable results:

First. A stronger mental and physical condition of the inmate.

Second. Better discipline and more easily maintained.

Third. A large quantity of work more cheerfully performed.

DISCUSSION.

DR. W. H. BILLS, of Michigan.—I have been interested in the able and scientific papers to which I have listened. It shows that our prisons are getting as good service as there is in the profession. With regard to the liability of convicts to contract diseases, there are two sides to the question. I myself doubt whether prison life, which is at least a regular and methodical way of living, with unstimulating diet, regular sleep and corrected habits, is as bad for these men as the life that they have lived outside of prison, with insufficient and improper food, late hours, and the use, by 80%, as I have heard, of alcohol, which is the most active and potent agent of contagion that we know anything about. There is one disease that I feel is the most difficult problem that the prison physician has to contend with, and that is insanity. The early symptoms of insanity are obscure. It is very difficult to diagnose it in the early stages. I think that statistics show that the ratio of insane to sane criminals is thirty-four times as great as of the insane to the whole population. That is a startling fact. Some hold that this is due not only to prison life, but to remorse while in prison. My experience is that you find little remorse in prison. One of the men who is in charge of one of the greatest prisons in Scotland, says that out of 500 murderers he had never known but three who had ever expressed any sentiment of remorse. They all find some way to justify themselves and pass as injured innocents. I think the cause of this insanity is inherent in the constitution of the criminal himself. I believe that men have often been severely punished as a remedy for insanity in prison. I have watched them closely. I have kept tab upon the men who have been sent afterwards to the insane asylum. Out of thirteen in the prison with which I was connected, who were punished the last year before we abolished corporal punishment, three, within a few weeks were transferred to the asylum for insane criminals. Evidently they were punished for an act that was done under an

insane impulse. I call attention to this fact because I wish to show that it devolves upon the prison physician to look closely after such facts.

The SECRETARY asked that Dr. Potter might be invited to speak.

DR. FRANCIS W. POTTER, physician of the Massachusetts State Reformatory.—I will give an experience that we had at Sherborn. Smallpox got into the prison, probably brought there by the prisoners. It was taken by the one who cared for the clothes. We had only three cases out of a population of 250. I think this will bear out Dr. Bills' statement that the prisoner does not take contagious diseases as freely as those outside.

WARDEN GARVIN.—Is not the percentage of deaths less in prison than outside?

DR. BILLS.—In our prison that has been true some years, and some years it has not. I am inclined to think that there are fewer deaths, and that these same men will live longer in prison than they would have done outside.

MRS. MORTON, of the Sherborn prison.—We have had women come to the prison in a very bad condition who have improved in health, some that seemed as though they would die very soon, who after a year or two in prison, have become strong women.

The PRESIDENT thanked the physicians who had contributed to the program.

The PRESIDENT introduced Warden Wolfer, the president-elect for the next year, who thanked the Association for the honor conferred upon him by his election, saying that he should give the work his best efforts, and begged for a hearty co-operation of all the members.

On motion of DR. BILLS a vote of thanks to President Henderson for the able, dignified, and courteous manner in which he had presided over the meeting, was put by WARDEN WOLFER, and unanimously adopted by a rising vote.

PRESIDENT HENDERSON.—If I were half as modest as the physicians I could not say a word, but it would be exceedingly ungrateful if I did not at least try.

I have a word of exhortation to the wardens in relation to the last subject before us. We are just beginning to see the significance of the connection between mind and body, between character formation and physical formation. We are beginning to see that

it is better to form rightly than to re-form, and that in this work one of the chief factors will be the prison physician. I am sure that I shall meet with hearty support from all the wardens present when I suggest that next year every warden bring his prison physician with him, and, if it is necessary, see that the board of managers pay the expenses. I presume the chaplains feel in the same way.

It is proper to recall here the kind people who befriended me last year in Germany; among them that noble jurist, Professor Wach, of Leipsic, who gave me a letter to the ministry of Saxony. He is one of the great teachers of criminal law; for several years president of the society made up of prison officers, wardens, physicians and chaplains; one of the eminent men interested in the Rhenish Westphalian societ. He showed his interest and that of his colleagues in our American affairs. You should have been there to see how cordially the names of our workers are received. All that was necessary to say was that I knew Mr. Brockway; that he was my friend. That was a name to conjure with; a name known by intelligent prison workers all over the world. And because they understood I was your representative they took me to their hearts as if to show courtesy to you all. Many of our other men are also coming to be well known over there.

One of the most interesting things that I heard was a discussion which came up at an annual meeting of the prison society, an attack on that dear hobby, the indeterminate sentence. As a matter of fact a half dozen measures that the German jurists and criminalists are advocating are based on precisely the same ideas that our Mr. C. T. Lewis has been advocating so persistently for many years. A recent Prussian law on the care of children is based on the same principle as that presented by Judge Davis and Judge Tuthill in regard to our juvenile courts. Since 1901 the principle is accepted that you can not treat a child under sixteen years of age as you treat an adult criminal. Henceforth it will not be necessary in Prussia, and the same thing will soon be true in the other German states, to wait for a child to have committed an offense and been brought before the court, but the court stands in the place of a parent and can take away the little child and care for it, and see that the great state performs its fatherly function in regard to the child. That principle is not an American principle. It is a principle broad as human nature, and it is bound to go round the world with civilization.

And so we are working all together, one of the things that has specially impressed itself on my mind here is the idea that we are developing more or less piecemeal perhaps, not a fraction, but a system of thought, a system which takes into itself, as the constitution of this Association shows, all the factors. All important elements have been discussed here; the influence of heredity working in the direction of the child's life before the child is born and helping to give a tendency to that life; the influence of education; the influence of the kindergarten; the importance in our cities of playgrounds and public squares; the influence of the public school, of prison reform, of the warden, of the prison physician, of the chaplain; all of these agencies, physical and spiritual, have been brought before us and many more. There is growing up in our minds the conviction that each one of our little branches of service has a place in the magnificent organization, the growing system, and that every piece of work, however insignificant in itself, finds its grandeur and dignity in the vast whole. All working together are leviathan, strong each of us in the thinking and experimenting and working of all. We have not been dealing with simple anecdotes. Not one of you has been speaking of the influence of a particular dietary, or of this form of discipline or that, alone; you have not been telling something that was of no significance except to yourself, but like the teacher in the biological laboratory you have been discovering laws of life. You have found things which are true here and true everywhere and true forever. When we have grasped a great principle which is involved in a little local trial then we can earnestly press our views because we are sure of solid ground, the ground of a principle which belongs to human nature and to life. We are dealing not with fragments, with unrelated atoms of knowledge, but with principles that can be carried anywhere and applied successfully. Why is it true that when a man shows that he knows how to conduct a prison in the West, he can be taken up and transplanted to New England to show the Yankees how to do the thing. Because this human nature has its laws, its principles. Human nature has its ways of working, and you can not work long and successfully contrary to the laws of physiology or psychology, and as knowledge of these laws grows the practice will improve. Deeper than practice must be the scientific study of the body and of the mind and of the development of the human soul and of the social and religious life.

As there is physical science so there is a social science, and we are trying to improve it, and have a better instrument for serving our fellow men. Each one's contribution may be exceedingly small. But as we go to our own corners of the earth, as we go to our own homes, to find the routine and drudgery hard, perhaps, let us remember that it is not for our own little institution only that we are working, but that we are working for the race. You who are working for prisoners are not helping the criminal class alone; you are helping the progress of humanity, and every brave man that is fighting the battle of life on this field is trying to help, trying to lift, trying to aid his brothers all.

The following resolution was unanimously adopted:

WHEREAS, An entire change in the principles and methods of supervision and control of penal institutions has recently been made by law in several states of the Union, and similar changes are now advocated in other states, by which economy and efficiency are supposed by some to be promoted, while others apprehend as a result the increase of political influence in these institutions, and injury to their best features; therefore

Resolved, That a committee consisting of Prof. Charles R. Henderson, Dr. Frederick H. Wines and Dr. Francis Wayland are requested to inquire into the methods of supervision and control of penal institutions provided for by the laws of the different states and of other civilized countries, and to report the facts with their views and conclusions to the next National Prison Congress.

The following resolutions, offered by SECRETARY MILLIGAN, were unanimously adopted by a rising vote:

The delegates and members in attendance on the sessions of the National Prison Congress desire to place on record their warm appreciation of the kindness and hospitality shown them by the citizens of Philadelphia, who have left nothing within their power undone for our comfort and pleasure. We acknowledge our indebtedness to the local committee of arrangements for the provision of a suitable place for our meetings, as well as of everything incidentally necessary to our work, and for constant, assiduous and courteous personal attention; to the rector and officers of Holy Trinity church for a delightful and profitable Sunday morning service and sermon; to the pastor and officers of Grace Baptist church for similar courtesies on Sunday evening; to the directors of various penal and reformatory institutions of the state, city and

county for the cordial invitations extended us to visit and inspect them, especially to the authorities in charge of the House of Refuge at Glen Mills for physical and spiritual sustenance on Sunday afternoon; for complimentary tickets for use on the street railways; to the New Century Club for a most pleasant and profitable reception on Tuesday afternoon; to the press for the reports of our proceedings in the morning and evening papers, and to the citizens who furnished the Congress facilities for the excursions to Atlantic City and to Cramp's shipyards. We are glad that we came to Philadelphia, the cradle of prison reform and of so many other benevolent movements, the home of Penn, of Franklin and of Rush, and bear our cheerful and hearty testimony that it is appropriately known, the world over, as the City of Brotherly Love.

PRESIDENT HENDERSON.—The time has come to close. For myself and for my colleagues in the administration, I thank you for a thousand gentle courtesies, and I bid you good night and God bless you, one and all. God bless you! There is nothing sweeter or better for us to say to each other. Instead of the phrase of the day "Take care of yourself," let us rather use the old words of our fathers, those men of God: *God bless you!* God bless you in your work every day and forever!

Adjourned *sine die* at 10 P. M.

NATIONAL PRISON ASSOCIATION

PHILADELPHIA, PENNSYLVANIA

LIST OF DELEGATES

IN ATTENDANCE

SEPTEMBER 13-17, 1902

Alabama.

Seay, Frank, Greensboro.

Colorado.

Martin, E. H., Warden State Penitentiary, Canon City.

Martin, Mrs. E. H., Canon City.

Wheeler, T. S., Chaplain State Penitentiary, Canon City, Official Delegate.

Connecticut.

Cheney, James W., President Board of Directors State Prison, South Manchester.

Fuller, Edward A., Director of State Prison, Hartford.

Garvin, Albert, Warden State Prison, Wethersfield.

Genung, Geo. F., D. D., Chaplain State Prison, Wethersfield.

Spencer, Carnot O., Treasurer Connecticut Prison Association, Hartford.

Sumner, Frank C., Director State Prison, Hartford.

Wells, Thos. D., Secretary State Prison Directors, Hartford.

Delaware.

Ball, J. Frank, Trustee, Wilmington.

Carpenter, Joseph L., Trustee, Wilmington.

Corbit, D. W., Trustee, Odessa.

Gawthrop, J. N., Trustee, Wilmington.

Kerr, George G., Trustee, Newark.

Meserve, A. S., Warden County Workhouse, Wilmington.

Wilcox, William J., Superintendent Ferris Industrial School, Marshallton.

District of Columbia.

Lemly, Captain Samuel C., LL.D., U. S. Navy, Washington.
Sylvester, Richard, Major and Superintendent Metropolitan Police,
Washington.
Sylvester, Mrs. Richard, Washington.
Wines, Frederick H., LL. D., Washington.

Illinois.

Baldwin, Abraham, Chicago.
Baldwin, Mrs., Chicago.
Clark, Thomas J., Commissioner Southern Illinois Penitentiary, Quincy.
Duncan, John, H., Commissioner Southern Illinois Penitentiary, Chester,
Marion.
Fallows, Samuel, D. D., LL. D., President Board of Managers State Re-
formatory, Chicago.
Henderson, Charles Richmond, University of Chicago, President National
Prison Association.
Mallory, M. M., General Superintendent State Reformatory, Pontiac.
Mallory, Mrs. M. M., Pontiac.
Murphy, E. J., Warden State Penitentiary, Joliet.
Ryan, Andrew J., Trustee House of Correction, Chicago.
Sloan, John J., Superintendent House of Corectoin, Chicago.
Thornton, Samuel W., Chaplain State Penitentiary, Joliet.
Thornton, Mrs. S. W., Joliet.
Tuthill, Judge Richard S., Chicago.
Tuthill, Mrs. Harriet McKey, Chicago.
Whedon, James P., Commissioner State Penitentiary, Joliet.

Indiana.

Bundy, C. H., State Board of Control, State Prison, Marion.
Butler, Amos W., Secretary Board of State Charities, Indianapolis.
Coffin, Mary H., Trustee Industrial School for Girls, and Women's prison,
Indianapolis.
Davis, Sydney B., Member Board State Charities, Terre Haute.
Kimbrough, C. M., Member Board of Control Indiana State Prison,
Muncie.
Shideler, Geo. A. H., Marion.
Williams, John G., Manager Indiana Reformatory, Indianapolis, Official
Delegate.
York, Eugene E., Superintendent Indiana Reform School for Boys,
Plainfield.

Kansas.

Ellet, Edward C., Lansing.
Fredenhagen, E. A., President National Helping Hand Society, Topeka,
Official Delegate.
Fredenhagen, Mrs. E., Matron National Helping Hand Society, Topeka.
Jewett, E. B., Warden State Penitentiary, Lansing.
Jewett, Mrs. E. B., Lansing.
Leavitt, F. J., Chaplain U. S. Penitentiary, Fort Leavenworth.

Kentucky.

Caldwell, P., Superintendent Juvenile Reformatory, Louisville.
Green, G. V., Commissioner of State Prisons, Hopkinsville.

Louisiana.

Marr, Robert H., New Orleans.

Maine.

Haines, Wm. T., Visiting Member to State Prisons of Governor's Council,
Waterville.
Plumer, Charles A., Chaplain Maine State Prison, Thomaston, Official
Delegate.
Sawyer, Whitman, Chairman State Board of Prison and Jail Inspectors,
Portland, Official Delegate.
Scribner, William L., State Board of Prison and Jail Inspectors, Spring-
field, Official Delegate.

Maryland.

Cooke, Theodore, Jr., M. D., Physician State Penitentiary, Baltimore.
Dorsey, J. E., Superintendent House of Reformation, Cheltenham.
Glenn, John M., Supervisor City Charities, Baltimore.
Glenn, Mrs. John M., Baltimore.
Griffith, Goldsborough S., President Maryland Prisoners' Aid Society;
President Society for Protection of Children, Baltimore.
Painter, Orrin C., Baltimore, Official Delegate.
Stoudenmire, Rev. Wm. C., General Agent Maryland Prisoners' Aid Asso-
ciation, Baltimore.
Stoudenmire, Mrs. Josie E., Assistant Agent Prisoners' Aid Association,
Baltimore.
Zinkhan, Louis F., Superintendent Bay View Asylum, Baltimore, Official
Delegate.

Massachusetts.

Batt, Rev. William J., Chaplain State Reformatory, Concord, Official Delegate.
Cornwall, George E., State Agent for Discharged Prisoners, Boston.
Morton, Mrs. Frances A., Superintendent Reformatory Prison for Women, South Framingham.
Potter, Dr. Frances W., Physician Reformatory Prison for Women, South Framingham.
Russell, Miss Georgia A., State Agent for Discharged Female Prisoners, Boston.
Scott, Joseph F., Superintendent Reformatory, Concord Junction, Official Delegate.
Stewart, Miss Jane A., Journalist, Boston.
Tribou, Rev. A. H., Chaplain U. S. Navy, Boston, Official Delegate.

Michigan.

Bills, W. H., Member Board of Control State Prison, Allegan.
Bird, J. T., M. D., Ionia.
Freeman, George W., Warden, Marquette.
Fuller, Otis, Warden State Reformatory, Ionia.
McDonell, John L., Superintendent House of Correction, Detroit.
McDonell, Mrs. John L., Detroit.
Musselman, Amos S., Board of Control State Reformatory, Ionia.

Minnesota.

Randall, Farnk L., Superintendent State Reformatory, St. Cloud, Official Delegate.
Randall, Mrs. Frank L., St. Cloud.
Wolfer, Henry, Warden State Prison, Stillwater.
Wolfer, Mrs. Henry, Stillwater.

Missouri.

Mullins, Philip E., Kansas City.
Nolte, William, Superintendent St. Louis House of Refuge, St. Louis, Official Delegate.
Williams, J. V., Mexico.

Nebraska.

Evans, Delia S., Traveling Missionary, University Place, Official Delegate.
Flowers, Sarah J., Prison Evangelist, Lincoln, Official Delegate.
Power, John, Sheriff Douglas County, Omaha, Official Delegate.
Power, Mrs. John, Omaha, Official Delegate.

New Hampshire.

Cox, Charles E., Warden New Hampshire State Prison, Concord.
Cox, Evelyn M., Concord.

New Jersey.

Abbott, C. F., Assistant Superinendent State Reformatory, Rahway.
Aikman, Rev. Wm., D. D., Atlantic City.
Allen, Wm. H., General Secretary State Charities Aid Association,
Jersey City.
Currie, Chas. F., Grenlock.
Davies, John M., Pastor First Presbyterian Church, Gloucester City.
Edmond, C. H., Probation Officer Mercer County, Trenton, Official
Delegate.
Finch, Cora L., Trenton.
Fish, Rev. Aloys M., Catholic Chaplain State Prison, Trenton.
Gopsill, Thos. Milburn, Secretary New Jersey State Reformatory, Jersey
City.
Gopsill, Mrs. T., Jersey City.
Grice, Mrs. E. C., President Congress of Mothers of New Jersey, Riverton.
Hall, A. Cleveland, Headworker Orange Valley Social Settlement, Tren-
ton, Official Delegate.
Hendrickson, William H., Red Bank.
Joline, C. V. D., County Jndge Camden County, Camden.
Lee, Francis B., Member Board of Managers State Charities' Aid Asso-
ciation, Trenton, Official Delegate.
Lewis, Charlton T., President New York Prisoners' Aid Association,
Member Board of Commissioners New Jersey Reformatory, Mor-
ristown.
Lloyd, Frank T., Camden.
Lloyd, Frank, Prosecutor of Pleas Camden County, Camden.
Maddock, Rev. Geo. C., Chaplain State Prison, Trenton.
Martin, Jos. W., Superintendent State Reformatory, Rahway.
Moore, Miss, Camden.
Osborne, Geo. O., Keeper State Prison, Trenton.
Osborne, Mrs. G. O., Matron State Prison, Trenton.
Overman, William F., Pennsylvania Prison Society, Moorestown.
Patterson, John H., Red bank.
Philbrook, Miss Mary, Assistant Probation Officer Essex County, Newark.
Sawyer, Decatur M., Montclair.
Skinner, Alfred F., Newark.
Tooker, Miss Mary R., Orange Conference Woman's Reformatory Com-
mittee, East Orange.
Voorhees, John S., Prosecutor of Pleas Middlesex County, New Bruns-
wick.
White, Moare, Camden.

New York.

Allison, H. E., Medical Superintendent, Matteawan State Hospital,
Fishkill-on-Hudson.
Baker, Charles K., Clerk of the Superintendent of State Prisons, Albany.
Barrows, Mrs. Isabel C., Official Stenographer, New York.
Berry, Silas W., Warden Eastern New York Reformatory, Napanock.
Coutie, George S., Master Mechanic Prison Department, Albany.
Collins, C. V., Superintendent of Prisons, New York State, Albany.
Dexter, Seymour, Member Board of Managers State Reformatory, Elmira.
Hayes, Patrick, Superintendent Kings County Penitentiary, New York
City.
Hooper, Wm. R., New York City.
McLaughlin, George, Secretary State Commission of Prisons, Albany.
Mead, J. Warren, Agent and Warden State Prison, Auburn.
Mills, Frederick H., Prison Department, Albany.
Morgan, Wm. M., New York.
Ross, John N., Director of Bertillon Department, State Prison, Auburn.
Van De Carr, John E., New York.
Welshe, Anna M., Superintendent Women's Prison, Auburn.

North Carolina.

Holt, Rev. Jeremiah W., Visitor to County Prison, Burlington.
Mann, J. S., Superintendent State Prison, Raleigh, Official Delegate.

North Dakota.

Boucher, N. F., Warden State Penitentiary, Bismarck.
Boucher, Miss Mabel, Bismarck.
Braddock, Edward, President Board of Trustees, State Penitentiary, Bis-
marck.

Ohio.

Adams, C. B., Superintendent Boys' Industrial School, Lancaster.
Adams, Mrs. C. B., Lancaster.
Beatty, William, Trustee Boys' Industrial School, Toledo.
Beatty, Mrs. William, Toledo.
Behrens, Henry, House of Refuge, Cincinnati.
Behrens, Mrs. Margaret, Cincinnati.
Behrens, Miss Ida, Cincinnati.
Brinkerhoff, R., Chairman Board of State Charities, Mansfield.
Byers, Joseph P., Secretary State Board of Charities, Columbus.
Costello, P. R., Assistant Superintendent House of Refuge, Cincinnati.
Fawcett, J. P., President Board Directors, Stark County Workhouse,
Canton.

Follett, Martin Dewey, Member Board State Charities, Marietta.
 Haughran, A. J., Director County Workhouse, Zanesville.
 Lambert, Oscar A., M. D., Mayor of Marietta, Marietta.
 Leonard, J. A., Superintendent State Reformatory, Mansfield.
 Leonard, Mrs. J. A., Mansfield.
 Lillibridge, Henry C., Superintendent City and County Workhouse, Zanesville.
 Locke, Rev. W. H., D. D., Chaplain State Reformatory, Mansfield.
 Locke, Mrs. W. H., Mansfield.
 Love, A. B., Member Board Directors Stark County Workhouse, Alliance.
 McNeill, Aaron, Judge of the Court of Insolvency, Cincinnati.
 McNeill, Rebecca J., Cincinnati.
 Newton, John V., Sheriff, Toledo.
 Newton, Mrs. J. V., Toledo.
 Pearce, Charles A., Sheriff, Columbus.
 Pearce, Mrs. Charles, Columbus.
 Ruehrwein, Wm., Superintendent Cincinnati Workhouse, Cincinnati.
 Starr, Rev. David Judson, D. D., Chaplain Ohio Penitentiary, Columbus.
 Weary, F. O., Akron.
 White, John F., President of Board Trustees Boys' Industrial School, Logan.
 Yarger, John E., Superintendent Stark County Workhouse, Canton.

Pennsylvania.

Alexander, Miss Margaret A., Probation Officer Juvenile Court, Philadelphia.
 Banfield, W. A., Wilkesbarre, Official Delegate.
 Barakat, Mrs. L., Member State Prison Society, Philadelphia.
 Barnes, Rev. R. H., Member State Prison Society, Philadelphia, Official Delegate.
 Bartlett, J. Henry, Pennsylvania Prison Association, Philadelphia.
 Bedell, Lindley H., Pennsylvania Prison Society, Philadelphia, Official Delegate.
 Bedell, Lydia Evans, Philadelphia.
 Bennett, O. J., M. D., Physician Western Penitentiary, Allegheny, Official Delegate.
 Boies, H. M., Scranton, Official Delegate.
 Boies, Mrs. H. M., Scranton.
 Bond, Charles H., General Secretary Christian League, Philadelphia.
 Bond, Mrs. Lydia M., Associated Committee on Police Matrons, Norwood.
 Boyle, A. A., Local Committee, Philadelphia.
 Bullen, Dr. H., Philadelphia.
 Bussinger, D. W., Warden Eastern Penitentiary, Philadelphia.
 Butcher, Benjamin F., M. D., Physician Philadelphia County Prison, Philadelphia.

- Chambers, Rebecca B., President Pennsylvania Women's Christian Temperance Union, West Grove.
- Clapp, Miss Emma B., Associated Committee Police Matrons, Philadelphia.
- Clement, Miss Ruth, M. D., Pennsylvania Women's Press Association, Philadelphia.
- Clegg, Henry, Prison Agent Philadelphia County Prison, Philadelphia.
- Cobb, Mrs. Mary E. R., Chairman Associated Committee on Police Matrons, Philadelphia.
- Crawford, James, D. D., Philadelphia.
- Crawford, Rev. Joseph, D. D., Philadelphia.
- Donahoo, Rev. E. R., D. D., Vice-President Allegheny County Prison Society, Pittsburgh, Official Delegate.
- Duhring, Herman L., D. D., Vice-President Philadelphia Prison Society, Philadelphia, Official Delegate.
- Dupree, Miss A. M. C., Manager Door of Blessing, Philadelphia.
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- Poole, Mrs. Frederick, Police Board of Matrons, Christian League, Philadelphia.
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- Seabrook, Dr. Alice M., President Pennsylvania Women's Press Association, Philadelphia.
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- Teller, Jerome L., Philadelphia.
- Thomas, Mrs. James B., New Century Club, Philadelphia.
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- Welch, Rev. Jos., Chaplain Eastern Penitentiary, Philadelphia, Official Delegate.
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- Padin, Jose, San Juan.

Rhode Island.

- Viall, Nelson, Superintendent State Prison, Providence.

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West Virginia.

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Spurr, Rev. B. M., Moundsville.
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INDEX

A

Address by Chaplain Locke, A New Force in the Prison	91
Address by Dr. J. T. Gilmour, Corrective Measures in Prison Dis- cipline	66
Address by Hon. John Franklin Fort, on The Indeterminate Sentence	124
Address by Hon. Richard S. Tuthill, on The Juvenile Court Law . .	115
Address by Hon. Samuel H. Ashbridge	13
Address by Hon. William A. Stone	11
Address by Mrs. E. R. Cobb on Police Matrons of Pennsylvania . . .	344
Address by President Henderson	40
Address by Rev. David Judson Starr, D.D., on Prison Management, and the Chaplain's Opportunity	97
Address by Rev. L. Duhring, D.D., The Relation and Duty of the Community to the Discharged Prisoner	44
Address by Rev. Russel H. Conwell, D.D., The Whipping Post . . .	41
Address by Rev. Wm. C. Stoudenmire, A.M., The Treatment of Pris- oners—Past and Present	49
Address by Warden D. W. Bussinger, The Criminal and the Convict	70
Address by Warden N. F. Boucher, Effects of Imprisonment	61
Address of Welcome by Judge G. Henry Davis	11
Address by Wm. Ruehrwein	349
A New Force in the Prison, by Chaplain Locke	91
Ashbridge, Hon. Samuel H., Address by	13

B

Barrows, S. J., Letter from	138
Boucher, N. F., Address by	61
Bird, John T., M. D., Address on Mental and Physical Effect of Recre- ation and Privileges	360
Bussinger, D. W., Address by	70

C

Chaplains' Association	91
Chaplains' Association—Tuesday Morning	106
Chaplain Batt's Paper on "Impressions Abroad"	106
Chaplain Batt Re-elected President	107
Chaplain Imbrie Excused from Secretaryship	108
Chaplain Starr Elected Secretary	108
Chaplain Thornton Elected Treasurer	108

Chaplains' Association—Wednesday Morning	108
Objections to Criticisms on the Mosaic Law	108
Resolutions on Death of John Way, Jr.	112
Mrs. Rebecca Salome Foster	113
Temperance Reform	113
Chaplains' Early Meeting	89
Chaplains Informal Meeting	88
Cobb, Mrs. E. R., Address by	344
Cooke, Dr. Theodore, Address on the Tendency to Contract Diseases	354
Close of the Congress	371
Conwell, Rev. Russel H., D. D., Address by	41
Committee on Auditing	144
Committee on Discharged Prisoners, Report of	282
Committee on National Bureau of Criminal Identification Appointed..	281
Committee on Police Force in Cities, Report of	326
Committee on Prevention and Reformatory Work, Report of	144
Committee on Prison Discipline, Report of	165
Committee on Resolutions	140
Committee on Time and Place, Report of	253
Committee on Time and Place of Next Congress	143
Corrective Measures in Prison Discipline, by Dr. J. T. Gilmour	66

D

Davis, Judge G. Henry, Called to Order Opening Session and Address of Welcome	11
Digest of Documents on Prison Discipline	176
Discussion of effects of Imprisonment	77
Discussion on Prevention and Reformatory Work	149
Remarks on by Frank L. Randall	149
Bishop Samuel Fallows	156
Capt. Samuel C. Lemly, L. L. D.	162
Dr. Cleveland A. Hall	161
Dr. Frances W. Potter	152
Francis B. Lee	159
Judge S. B. Davis	154
Judge Seymour Dexter	153
Judge Tuthill	156
Mrs. Francis A. Morton	151
Mrs. Schrock	153
Rev. E. A. Friedenhagen	164
Rev. Wm. Clekman, D. D.	163
T. B. Patton	150
W. H. Allen	164

Discussion on Prison Discipline	169
Remarks on by Capt E. S. Wright	169
Douglas Stewart	174
James Nixon	175
Mrs. Francis A. Morton	170
Warden Otis Fuller	173
Duhring, Rev. L., D. D., Address by	44

E

Effects of Imprisonment by N. F. Boucher	61
Remarks on by Charlton T. Lewis, L.L. D.	77
Amos S. Musselman	84
Chaplain Maddock	81
Dr. Gilmour	79
F. J. Pooley	84
Judge Follett	78
Mr. Baker	85
Mrs. Josiah Leeds	79
Rev. D. J. Starr	82
Superintendent Scott	82
Warden Bussinger	79
Warden Darby	85
Warden Garvin	79
W. C. Lupton	86
Warden Otis Fuller	84
Warden Wolfer	80

F

Fort, Hon. John Franklin, Address by	124
--	-----

G

Garvin, Hon. Albert, Report on Prison Discipline	165
Gilmour, Dr. J. T., Address by	66
Greeting from Women's Christian Temperance Union	353

H

Henderson, Charles Richmond, The Social Position of the Prison Warden	19
Henderson, C. R., Digest of Documents on Prison Discipline	176
Holt, Rev. J. W., The Condition of Charitable and Penal Institutions in North Carolina	273

I

Introduction of the President-elect	367
Irvine, Lieut. Col. A. G., Telegram from	87
Is the Tendency to Contract Infectious and Contagious Diseases Greater in the Prisoner than in the Free Man, by Dr. Theodore Cooke, Jr.	354

K

Keily, Mathew, Letter from on Police Force in Cities	342
Kinne, Judge L. G., Methods of Improving Management of Prisons..	255

L

Letter from C. H. Reeve	140
Letter from Major R. W. McClaughry	87
Letter from S. J. Barrows	138
Letter of Regret from Archbishop Ryan	280
Leonard, J. A., Report of Standing Committee Prevention and Reform- atory Work	144
List of Official Delegates	372
Locke, Chaplain, Address by	91

M

Marr, Judge Robert H., The Institutions of Louisiana	265
Mental and Physical Effect of Recreation and Privileges, by John T. Bird, M. D.	360
Discussion on by W. H. Bills	366
Dr. Francis W. Potter	367
Mrs. Morton	367
Warden Garvin	367
Methods of Improving Management of Prisons, by Judge L. G. Kinne	253
McClaghrey, Maj. R. W., letter from	87
Monday—Afternoon Session	91
Monday—Evening Session	115
Monday—Morning Session	61
Motion to Extend Time of Association Meeting	253
Motion to Recognize the Lady Governors of Penal and Reformatory Institutions as a Sub-Section to the Conference	253
Muth, Henry, Letter from on Police Force in Cities	340

O

Officers of Association	III
Opening Session	II
Called to order by Judge G. Henry Davis	11
Prayer by Rev. Joseph Welch	11

P

Prison Discipline, Digest of Documents on	176
Prison Discipline, Report of Committee on	165
Prisoners of Hope, Sermon by Rev. Floyd Tomkins, D. D.	29
Prison Management, and the Chaplain's Opportunity, by Rev. Judson Starr, D. D.	97
Remarks on by Chaplain Welch	102
Chaplain Maddock	104
Chaplain McHenry	105
Chaplain Thornton	104
Chaplain Tribou	104
Mrs. L. Barakat	103
Mrs. Leeds	103
Professor Henderson	105
Rev. F. H. Wines, L. L. D.	104

R

Reeve, C. H., Letter from	140
Regrets from Chaplain Mendenhall	88
Relations to Paroled and Discharged Prisoners	299
Remarks on by Warden Garvin	324
G. E. Cornwall	324
Rev. Alvys M. Fish	324
Rev. Wm. C. Stoudenmire	326
Warden Wolfer	326
Report of Committee on Discharged Prisoners	282
Report of Committee on Prevention and Reformatory Work	144
Report of Committee on Prison Discipline by Hon. Albert Garvin	165
Discipline of Officers	165
Discipline of Prisoners	166
Hindrances to Discipline	167
Report of Committee on Time and Place	253
Report of Standing Committee on Police Force in Cities, by Col. Richard Sylvester	326
Resolutions of Thanks for Kindness and Hospitalities Received from the People of Philadelphia	370
Resolution on Publication of Proceedings at Louisville	326
Resolution to Appoint a Committee on Methods and Control of Penal Institutions Provided by the Laws of Different States and Foreign Countries	371
Resolution to Appoint Committee on Sanitation	280
Resolution to Secure the Passage of an Act of Congress for a National Bureau of Criminal Identification	281
Resolution to Secure observance of Prison Sunday	280
Response to Address of Welcome by Frederick Howard Wines, L. L. D.	14
Ruehrwein, Wm., Address by	349

S

Sermon by Rev. Floyd W. Tomkins, D. D., Prisoners of Hope	29
Starr, Rev. David Judson, D. D., Address by	97
Stone, Hon. William A., Address by	11
Studenmire, Rev. Wm. C., A. M., Address by	49
Sunday—Afternoon Session	39
Visit to House of Refuge at Glen Mills	39
Sunday—Evening Session	39
Sunday—Morning Session	29
Sylvester, Col. Richard, Report on Police Force in Cities	326

T

Telegram from Lieut. Col. A. G. Irvine	87
The Condition of Charitable and Penal Institutions in North Carolina, by Rev. J. W. Holt	273
Remarks on by Captain Wright	276
General Brinkerhoff	277
President Henderson	277
Warden J. S. Mann	279
The Conversion of Richard Gardner	99
The Criminal and the Convict, by D. W. Bussinger	70
The Indeterminate Sentence, by Hon. John Franklin Fort	124
Remarks on by Hon. Charlton T. Lewis	130
Judge Beidler	135
Mr. H. M. Boies	133
The Institutions of Louisiana, by Judge Robert H. Marr	265
The Juvenile Court Law, by Hon. Richard S. Tuthill	115
The Social Position of the Prison Warden, By Charles Richmond Henderson	19
The Function of the Warden	21
The Prison is Itself a Community	20
The Prison School	23
The Relation and Duty of the Community to the Discharged Prisoner, by Rev. L. Duhring, D. D.	44
The Treatment of Prisoners—Past and Present, by Rev. Wm. C. Stou- denmire, A. M.	49
The Treatment of Parole Prisoners	59
The Treatment of Prisoners in the Past	49
The Treatment of Prisoners at Present	55
The Whipping Post, by Rev. Russel H. Conwell	41
Tomkins, Rev. Floyd W., D. D., Sermon by	29
Tuesday—Afternoon Session	165
Tuesday—Evening Session	253
Tuesday—Morning Session	138
Tuthill, Hon. Richard S., Address by	115

V

Vote of Thanks to President Henderson	367
---	-----

W

Warden's Association	61
Wednesday—Evening Session	353
Wednesday..Morning Session	280
Welch, Rev. Joseph, Opening Prayer	11
Wines, Frederick Howard, L.L. D., Response to Address of Welcome	14

21
11
Part 1

